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BS t. 47, col. 303, no. 16

£ 3

SOLD BY
THOMAS BAKER
72 Newman Street
LONDON, W. E.

A CONFERENCE
ABOUT THE
NEXT SVCCESION
TO THE CROWNE OF ING-
LAND, DIVIDED IN TO
TWO PARTES.

VV H E R E O F

THE FIRST CONTEYNETH THE
discourse of a ciuill Lavvyer, howv and in vvhat manner
propinquity of blood is to be preferred. And the second
the speech of a Temporall Lavvyer, about the particuler
titles of all such as do or may pretende vvithin Ingland
or vvithout, to the next succession.

*VVhere vnto is also added a new & perfect arbor or genea-
logie of the discentis of all the kinges and princes of
Ingland, from the conquest vnto this day, whereby each
mans pretence is made more plaine.*

DIRECTED TO THE RIGHT HO-
norable the earle of ESSEX of her Maiesties
priuy counsell, & of the noble order of the Garter.

Published by R. DOLEMAN.



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M. D. XCIIII.

THE SOMME OF BOTHE PAR- TES MORE IN PARTICVLER.

THe first declareth by many proofes & arguments that the next propinquitie or ancetry of blood alone, though it were certaynly knowne, yet that it is not sufficient to be admitted to a crowne, without other cōditions and circumstances requisit be founde also in the person pretēdent.

THe second examineth the titles and pretensions of al such as may haue clayme or action to the crowne of England at this day, what may be said for them, and what agaynst them, and in the end, though he leaue the matter extreme doubtful as touching the best right, yet he giueth certayne coniectures about some persons that are lykest to preuaile.

TO THE RIGHT
HONORABLE THE EARLE
OF ESSEX, OF HER MAIESTIES
PRIVY COUNCEL



Two principal causes among others (right honorable) are wot to inuite me to dedicate any booke or treatise to a person in authoritie, the one priuate duty & obligatiō, the other publique utility, in respect that the matter may concerne that person for the cōmō good. And to cōfesse the truth, both of these ioyntly, haue moued me at this tyme, to present vnto your honour aboue others, the two bookes ensuing, which conteyne a conference had in Holland not long since, about the pretences & pretenders to the crowne of England, as your honour shall perceauē by the preface of each booke, & therefore herof I shall need say no more, but only declare the fore said two causes of this dedication.

First then I saye, that my particuler obligation towards your honours person, riseth part'y of good turnes and benefites receaued by some frendes of myne at your Lordships handes, in your last voyage & exploits in Frāce, but principally of far greater fauours receaued from your noble ancestors, I meane not only your father whose untimely death

The Epistle dedicatorie

was to Inglađ no smalle woude, but of your grād-
father also, that worthy Knight Sir Walter Denorax
who though he liued not to come to those titles of
honor, wherunto he was borne; yet left he behinde
him so rare a memory for his excellent partes of
lerning, wit, feuter of body, curtesie, & other such
noble commēdations, as none in Ingland perhaps
the lyke in our tyme, wherin also hath liued your
honours great grandfather Sir Henry Denorax
visconde Ferys wel remembred yet by diners of
my said frendes obliged vnto him, as also recorded
by our Inglish histories, as well for his merits &
worthines, as in lyke manner for his match with
the heyre of the most famous & noble house of the
Bourchers earles of Essex, wherof also your honour
is knowne to be disceded, & to hold at this day as
wel their nobilitie of bloode as dignitie of title, &
this shall serue in this place for my perticuler obli-
gation, wherof perhaps here-after vppon other oc-
casion, I may giue further relation and testimony
to the world, in token of my gratitude.

But for the second pointe of publique utilitie, I
thought no man more fitt then your honour to de-
dicate these two bookes vnto, which treat of the
succession to the crowne of Ingland, for that no mā
is in more high & eminent place or dignitie at
this day in our realme, then your selfe, whether we
respect

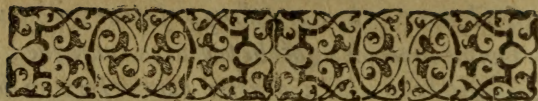
Polyd.
in vita
H. 8.

to the earle of Essex.

respect your nobilitie, or calling, or fauour with your prince, or high liking of the people, & consequently no man like to haue a greater part or sway in deciding of this great affaire (when tyme shall come for that determination) then your honour, and those that will assist you & are likest to follow your fame and fortune.

And for that it is not cōuenient for your honour to be unskillfull in a matter which cōcerneth your person & the whole realme, so much as this doth, and finding this conference had by two learned Lawyers, to handle the question very pithely and exactly, and yet with much modestye, and without offence of any, and with particuler affection and deuotion to her Maiestie, & with special care of her safetie: I thought not expedient to let it lye unpublished, as also I iudged that no hāds were fitter to receaue the same, nor any protectiō more secure or plausible, then that of your honour, whom God long preserue in all true honour and felicity, to the comfort of your Lordships faithfull seruants & clyents, & to the publique benefite of your country: from my chamber in Amsterdame this last of December. 1593.

Your honours most affectionate
R. DOLEMAN.



THE CONTENTS OF THE FIRST PARTE.

THE preface conteyning the occasion of this treatise, vvith the subiect, purpose, & partes therof.

That succession to gouernment by neernes of bloode is not by Law of nature, or diuine, but only by humane & positieue Lawes of euery particuler common wealth, and consequently, may vppon iust causes be altered by the same, Cap. 1. fol. 1.

Of the particuler forme of Monarchies & kingdomes, and the different Lawes wherby they are to be obteyned, holden, and gouerned in diuers countreyes, according as ech common wealth hath chosen and establisshed. Cap. 2. fol. 15.

Of the great reuerence and respect dew to kings, and yet how diuers of them, haue bine lawfully chastised by their commō wealthes for their misgouernment, & of the good and prosperous succeffe that god commonly hath giuen to the same, and much more to the putting back of an vnworthie pretender. Cap. 3. fol. 37.

VVherin consisteth principally the lawfulness of proceeding agaynst Princes, which in the former chapter is mentioned, what interest Princes haue in their subiects goodes or liues: how othes do by nde or may be broken by subiects towards their Princes: and finally the difference betweene a good king & a Tyrant. Cap. 4. fol. 63.

Of the Coronation of Princes, and manner of their admitting to their authority, and the othes which they do make in the same, vnto the common wealth, for their good gouernment. Cap. 5. fol. 82.

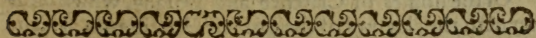
VVhat is dew to only succession by birth, and what
interest

interest or right an heyre apparent hath to the crowne, before he is crowned or admitted by the commō wealth, and how iustly he may be put back, if he haue not the partes requisite. Cap. 6. fol. 121.

How the next in succession by propinquity of bloode, haue oftentimes bin put back by the cōmon wealth, & others further of admitted in their places, euen in those kingdomes where succession preuaileth, with many examples of the kingdomes of Israel and Spayne. Cap. 7. fol. 140.

Of diuers other examples out of the states of France & England, for prooffe that the next in blood are sometymes put back from succession, and how god hath aproued the same with good successe. Cap. 8. fol. 164.

VVhat are the principall points which a cōmō wealth ought to respect in admitting or excluding any Prince, wherein is handled largely also of the diuersitie, of religions, and other such Causes. Cap. 9. fol. 197.



THE CONTENTS OF THE SECOND BOOKE.

THe preface with the intention & protestation of the Lawyer to treat this matter without the hurt or prejudice of any.

Of diuers bookes & treatises that haue bin written heretofore about the titles of such as pretende the crowne of England, and what they do conteyne in fauour or disfauour of diuers pretendors. Cap. 1. fol. 1.

Of the succession of the crowne of England from the conquest vnto the tyme of king Edward the third, with the beginning of three principal linages of the English blood royal, dispersed into the houses of Britanie Lancaster and Yorke. Cap. 2. fol. 12.

Of the successiō of English kings frō king Edward the third vnto our dayes, with the particuler causes of dissention

tion betweene the families of Yorke and Lancaster more largely declared. Cap. 3. fol. 37.

Of the great and general controuersie and contention betweene the said two houses royal of Lancaster and Yorke, and which of them may seeme to haue had the beteer right to the crowne, by way of succession. Cap. 4. fol. 56.

Of five principal and particuler houses or linages that do or may pretend the crowne of England at this day, which are the houses of Scotland, of Suffolke, of Clarence, of Britanie, and of Portugal, and first of al the house of Scotland, which conteyneth the pretentions of the king of Scotts, & of the Lady Arbella. Cap. 5. fol. 107.

Of the house of Suffolke conteyning the claymes aswel of the countesse of Darby and of her children as also of the children of the earle of Hartford. Cap. 6. fol. 130.

Of the houses of Clarence and Britany, which conteyneth the claymes of the earle of Huntington, and of the Lady Infanta of Spayne and others of these two families. Cap. 7. fol. 141.

Of the house of Portugall which conteyneth the claymes as well of the king and Prince of Spayne to the succession of England, as also of the dukes of Parma and Braganza by the house of Lancaster. Cap. 8. fol. 160.

Whether it be better to be vnder a forraine or homeborne Prince, and whether vnder a great and mightie monarch, or vnder a little Prince or king. Cap. 9. fol. 193.

Of certayne other secondary or collateral lines and how extreme doubtfull al the pretences be, and which of all these pretenders are most like by probability to preuaile in the end, & to get the crowne of England. Cap. 10. fol. 233.



THE PREFACE, CONTEYNING THE OC- CASON OF THIS TREATIS,

with the subiect, purpose, and
partes therof.

THER chaunced not long ago (I meane
in the monethes of Aprill and May of this
last yeare 93.) to mete in Amsterdam in
Holland certayne Gentlemen of diuers
nations, qualities and affections, as wel in religion as
otherwise: (yet the most part English and Irish) and
they had bine in diuers countries, studied different ar-
tes, and followed vnlike professions: some of souldiars, Occasions
of mee-
ting.
some of lawyers both temporal & ciuil, others of meere
trauelors to learne experience and pollicy: And for that
the aduises which dayly came from England at that
tyme, (the parliament being then in hand) gaue occasion
to discourse of English affaires, they fell into diuers
poyntes concerning the same: but yet none was treated
so largely or so seriously, as was the matter of succession The mat-
ter of suc-
cession
discussed.
and competitors to the crowne, for that it was presu-
med a great while, that some thing would be determi-
ned therof in that parliament, though one or two of the
wisest of that company, held euer the contrary opinion.
But when at lenght newes was brought, that nothing

THE PREFACE AND OCCASION.

M. Bromely.
M. VVetworth.

at al had bin done therin, but rather that one or two (as was reported) had bin checked or committed for speaking in the same: then came it in question among thes Gentlemen, What should be the causes of such proceeding in a matter so waighty and so necessary for al English men to know?

Tvvola-
vvers.

But two Gentlemen Lawyers of the company, one of the common law, and the other a Ciivilian, alleaged so many reasons for iustifying the Queenes Maiesties doings in this behalfe, as al did seeme satisfied: for that it was made playne, that it could not stande with the safety eyther of her Maiesty, or of the realme, or of the party himselfe who should be preferred, that any declaration of heyre apparent should be made, during the life of her Maiesty that now is, how dangerous socuer the delay therof may be esteemed for the tyme to come.

And so the end of this speach, brought in presently the begining of an other, to wit, what weare like to be thes dangers, and who might belikest of the pretendors to preuaile after her Maiestie, about which matter, ther was much discoursed by diuers parties, but the conclusion of al, was, that both thes poyntes remayned very doubtful, but much more the second, who should preuaile, of the competitors, which they said, did make the former poynt lesse doubtful of the multitude of dangers, that therby did hang ouer the common Wealth of Ingland, though it wanted not doubt also in particuler, what and where they should fal, for (said they) whersoever many pretenders of the blood royall are knowne to be competitors to a crowne,

ther

THE PREFACE AND OCCASION.

ther cannot chuse but many perilles also must be imminent to the realme.

To this, one of the company said, that he did not see how ther could be eyther so many pretenders to the crowne as the day before had bin spoken of in that place (for the cominō lawyer before named newly come out of England, had tould them that he had hard of some 9. or 10. or more plotts that were debated within the realme, for so many pretenders) or yf ther were any such great number descended of the blood royall, yet their titles could not be so doubtfull, seing it was an easy matter to discerne, who was next in discent of blood, and who not.

Many pretenders to the crowne of England.

Not so easy, quoth this Gentleman lawyer, for that although it cannot be denyed, but that ther is among al such as may pretend at this day: a certayne knowne order and degree of neernes in blood to some king or Queene that hath possessed the crowne before them: and in this discent it is knowne also commonly, who descendeth of the elder house, and who of the yonger, and other such like vulgar circumstances: yet notwithstanding for that ther be many other poyntes considerable in this affaire, as the right of the first stock, wherof ech part doth spring, the disabling of the same stock afterwards by attainders or otherwise: the bastardies or other particuler impedimēts that may haue fallen vppon ech discent or branch therof: al thes thinges (said he) may alter the course of common supposed right, in him or her, that is taken to be next in blood, as prouing them not to be truly and lawfully the nereft, though they be the next in degree.

Successiō doubtful & why.

THE PREFACE AND OCCASION.

Three or
fower
principal
heades of
pretend-
ers.

As for example (said he) the whole multitude of competitors or pretenders which I conceaue may come in consideration, or haue action or clayme to the crowne after her Maiesty that now is, may be reduced to three or fower first heads or principal stocks, to wit, to the house of Lancaster a part, as descended of Iohn of Gant Duke of Lancaster by his first wife Blanche, sole heyre of the Duchie of Lancaster. And of this branch or stock the most knowne of-spring in thes our dayes are thos Princes that are lineally descended of Don Iuan the first surnamed de boa memoria, tenth king of Portugal, who married with Philip the eldest daughter of the saide Iohn of Gant by his first wife Blanche: and thes Princes are king Phillip of Spayne now king also of Portugal, & the Dukes of Parma and Braganza, who descended of the same race, as also the Duke of Sauoy one degree after them.

1.
Lanca-
ster.

2.
Yorke.

The second stock is of the house of yorke a part, descending of George the Duke of Clarence second brother to king Edward the fourth, who being put to death by the kings order in Cales left a daughter by whom are descended the Earle of Huntington with his brothers, which also haue children, and the offspring of Geffrey Pole and Sir Thomas Barrington who married the other sister of her that was married to the Hastings.

3.
The two
houses
ioyned.

The third stock was in king Henry the seuenthe who being himselfe of the house of lancaster and marrying the eldest daughter of Edward the fourth of the house of yorke, is presumed to haue ioyned thes two houses together, and from this man by his two daughters

daughters (for of his sonne who was king Henry the eight ther remayneth only the Queene that now is) ther hath proceeded the house of Scotland deuided into the famylies of the king of Scots and Arbella, as also the progeny of the two Earles yet liuing of Hartford and Darby. Vnto thes three heads, which are commonlie known to al men, some of ourdayes do add also a fourth, which may seeme more ancient then ether of al thes three, to wit by the Dukes of Brytaine, who are discended dyuers wayes of the blood royal of England as maye easely be declared, whose heire at this day by lineal discent is the Infanta of Spaine named Dona Ysabella Clara Eugenia daughter to king Philipp. So that heerby wee come to discouer, no lesse then ten or eleuen famylies that may pretend, and haue al of them frends in England, and els wher (as yesterday I told you) who do not sayle in secret to negotiat and lay plotts for them, for that ther are none of thes, so far of, but to their frends it seemeth (the tymes standing as they do) that reasons may be giuen for their preferment, and good hope conceaued of preuayling.

You do wel to adde (said a Captayne ther present) the tymes standing as they do, or at least wise as they are like to stand, when this matter must come to trial, at what tyme, I beleue, not you lawyers, but we souldiars must determyne this title, and then (no doubt) if ther were not only thes tenn by you named, but twenty moore also of the blood royal, that would pretend, and had frends and money to stand by them, we should admit their causes to examination,

Circum-
stances of
the tyme
present.

THE PREFACE AND OCCASION.

tion, and perhaps giue sentence for him, that by your lawes would soneſt be excluded, for when matters come to ſnatching, it is hard to ſay who ſhal haue the better part.

I do not ad this circumſtance of the tyme (ſaid the lawyer) as though it were the only or principal poynt which maketh doubtful the matter of ſucceſſiō, though I confeſſe that it helpeth ther-vnto greatly, in reſpect of the great variety of mens affections, at this day in religion, which do incline them commonly to iudge for him, whom they beſt loue: but beſids this I do ſay, that were the tymes neuer ſo quiet, and religion neuer ſo vniforme: yet are ther great doubtēs in many mens heades, about the lawſulnes of diuers pretentions of the familyes before named: but if you adde vnto this, the ſaid wonderfull diuerſity in matters of religiō alſo, which this tyme yealdeth: you ſhal finde the euent much more doubtfull, and conſequently it is no maruaile though many may remaine in hope to preuaile, ſeing that when many are admitted to ſtand for a preferment, ther diuers may haue probality alſo of ſpecding.

An example you may take, (ſaid the Ciuiliā lawyer) in the Roman Conclauē, at the popes election, when, among three or ſower ſcore Cardinales that enter in for electors, few ther are, that haue not hope alſo to be elected, not for that they ſee themſelues, all as well qualified, as others: but becauſe oftentimes when diuers that are more forward by, likely hode cannot be agreed vppon: it falleth to the lott of hun that is fardeſt of, and ſo it may among your pretendērs (quoth he) in England.

Your

The Roman
conclauē.

THE PREFACE AND OCCASION.

Your example (said the temporal lawyer confirmeth somewhat of that I meane though it be not al together in like matter, or maner for that the pope is made by electio, & here we talke of a king by succeſſion.

Your ſucceſſion, ſaid the Ciuilian, includeth alſo an election or approbation of the common wealth and ſo doth the ſucceſſion of al kings in Chriſtendome beſides, as wel appeareth by the manner of their new admifſion at their coronations, wher the people are demaunded agayne, if they be content to accept ſuch a

Succeſſio
includeth
alſo ſome
kinde of
election.

man for their King: though he his title of neernes by blood, be neuer ſo cleere. And therefore much more it is like to be in this caſe of Ingliſh pretenders now, wher their laſul neernes in blood is ſo doubtful as you haue ſignified, & ſo I do come to confirme your former propoſition, of the doubtfulnes of the next ſucceſſor in Ingland with an other reaſon beſids that which you haue allcaged of the ambiguity of their true propinquity in blood: for I ſay further, that albeit the neernes of each mans ſucceſſion in blood, were euidently knowne, yet were it very vncertayne (as things now ſtand in Ingland and in the reſt of Chriſtendome round about) who ſhould preuaile, for that it is not enough for a man to be next only in blood, therby to pretend a crowne, but that other circumſtances alſo muſt concur, which if they want, the bare propinquity or ancetrie of blood may iuſtly be reiected, and he that is ſecond, third, fourth, fiſth or laſt, may lawfully be preferred before the fiſt, and this by al law both diuine and humane, and by al reaſon, conſcience, and cuſtome of al nations, chriſtian.

Of this
more af-
terwards
Cap 4. &
5.

Neernes
only in
blood not
ſufficient.

THE PREFACE AND OCCASION.

To this said the temporal lawyer, you go further (Sir) then I had meant to doe or did conceaue of the matter, for my meaning only was to shew how many pretenders ther be to the English crowne at this day, & how doubtful the pretentions of diuers of the chiefe of them be, in respect of the many exclusions, stoppes and barres that their aduersaryes or fellow competitors do lay against them: and now you do adde further, that albeit thes stoppes were taken away, and their propinquity in blood were manifest, yet for other considerations the course of their next succession by birth may be iustly altered, vppon such considerations as you insinuate, that the English may haue in the admission of their next king or Queene, after her Maiesty that now is, which in deede (if it be true) maketh the matter of succession much more doubtful, then I pretended, which I confesse I haue not so much studied or thought of, for that our common law goeth no further ordinarily, then to the next successor in blood, to consider whether he be lawfully descended or no, therby to giue him the crowne.

I confesse (said the Ciuilian) that ordinarily nether your law, nor ours doth go any further, especially in thos realmes wher the gouernment goeth by succession of blood, which I thinke to be the best of al other wayes, but yet ther may happen out such extraordinary cases sometymes, agaynst this ordinary rule, as your common law must needs take also consideration of them, except it wilbe contrary to al other law and reason, both diuine and humane, as for example, if it should fal out, that the next in blood should be a natural foole

More to
be con-
sidered be-
sides suc-
cession in
the pre-
tenders.

THE PREFACE AND OCCASION.

or a madd man: if he should be taken by Turkes or Moores in his infancy & brought vp in their religion and would mayntayne the same in your countrey, With al his forces, and otherlike vrgent cases, Wherin it is not probable, but that your common law must needs haue further consideration, then of the bare propinquity of blood only, for that otherwise it should be a very imperfect law, that hath not provided for accidents so weighty and important, as thes are, for sauing and conseruing of your common wealth.

At this speach, the residue of the company began to smile, to see the two lawyers grow into some heate and comparison of their professions. But yet for that both their asseuerations, did tend to proue one thing, which was the first proposition set downe, to wit, that the next successor of England must needs be very doubtful: they requested them both with very great instance, that ech one would be content to proue his assertion a parte, to wit, the temporal lawyer to shewe that the titles and pretensions of al those ten or eleuen families of the English blood royal, which remayne at this day, are ambiguous and doubtful, according to the common lawes of England: and the ciuilian to declare that albeit their titles by succession were cleare, yet that as things stande now in that realme, and other countreyes nere adioyning, ther may be a great doubt which of them shal preuaile.

Two principal points handled in this booke.

This I say, was the request of the whole company, and the lawyers were content to take it vpon them, and according to thes two poynts it was agreed that the whole speach or conference, should be deuided into two

THE PREFACE AND OCCASION.

Two parts of this conference.

parts, and that the ciuill lawyer, should begin first, for that it seemed, that his assertion, being wel declared and proued, would giue much light to the other, and so he promised to do, and to be as brief, clere & perspicuous as he mighte, and to reduce al that he would say to certayne principal heades and chapters therby the better to be vnderstood & remembred, and so he began in manner and forme following.

THAT





THAT SVCCES-
SION TO GOVERNMENT
BY NEERNES OF BLOOD IS NOT
*by law of nature or diuine, but only by humane and
positiue lawes of euery particuler common wealth
and consequently may vppon iust causes
be altered by the same.*

C A P. I.

TH E examples before allea-
ged (said the ciuilian lawyer)
of a madd or furious heyre
apparent, or of one that were
by education a Turke or
Moore in religion, or by na-
ture depriued of his witt, or
senses, do playnely proue that propinquity of
birth or blood alone, without other circum-
stances, is not sufficient to be preferred to a
crowne: for that no reason or law, religion or
wisdom in the world, can admitt such persons
to the gouernment of a cōmon wealth by whom,
no good, but distruction may be expected to
the same, seing that gouernment was ordeyned
for the benefit of the weale publique and not
otherwise.

And

Bellay
apolog.
pro reg.
cap. 20.

And albeit some one or two in thes our dayes haue affirmed the contrary, and published the same in wryting for the defence, flattery, or aduancement of some Prince whom they fauour, affirming that euen a foole, madd or furious man, or otherwise so wicked as he would endeuour to destroy the common welth, were to be admitted to the seat royal, without further consideration, if he be next in blood: yet this is so manifestly agaynst al reason, and conscience, and agaynst the very first ende and purpose of institution of common wealthes, and magistrates, as it shal not nede to be refuted in this place, albeit afterwards ther vvil not vvant place and commodity for the same.

Not only
successio
sufficient.

Hereof it doth ensue, that some other condicions also must needs be requisit, for coming to gouernment by succession, besides the only propinquity or priority in blood, and that thes condicions must be assigned and limited out by some higher authority then is that of the Prince himselfe, who is bounde and limited therby, and yet it seemerh euident they are not prescribed by any law of nature or diuine, for that then they should be both immutable and the selfe same in al countries, (as God and nature are one, & the same to al, without chainge) wher notwithstanding we see, that thes condicions and circumstances of succeding by birth, are diuers or different in different countries, as also they are subiect to changes according to the diuersity of kingdomes, realmes, & people,

people, as after shalbe shewed more in particular, wherby we are forced to conclude that every particuler countrey and common wealth hath prescribed thes condicions to it selfe and hath authority to do the same.

For better profe wherof, it is first of al, to be supposed, that albeit sociability or inclination to liue togeather in company, man with man, (wherof ensueth both city and commō wealth as Aristotle gathereth in his first booke of politiques) be of nature, and consequently also of God, that is author of nature: though gouernment in lyke maner and iurisdiction of magestrats which doth follow necessarily vppon this liuing to gether, in company: be also of nature; yet the particuler forme or manner of this or that gouernment, in this or that fashon, as to haue many gouernors, few, or one, and thos eyther Kinges, Dukes Earles, or the like: or that they should haue this or that authority more or lesse, for longer or shorter tyme, or be taken by succession or election, themselves and their children, or next in blood: al thes things (I say) are not by law ether natural or diuine, (for then as hath bine said they should be al one in al countreyes and nations, seing God and nature is one to al) but they are ordayned by particuler positie lawes of euery countrey as afterwards more largely shalbe proued.

That no
particular
forme of
gouernēt
is of natu
re.

To liue in
company,
is natural
to man &
the ground
of al com
mō vveal-
thes.

But now that sociability in mankind, or inclination to liue in company, is by nature, and consequently ordeyned by God, for the com-
mon

mon benefit of al : is an easy thing to proue,
 seing that al ground of realmes and common
 wealthes dependeth of this poynt, as of ther
 first principle, for that a common wealth is no-
 thing els but the good gouernment, of a multi-
 tude gathered together, to liue in one, & ther-
 fore al olde philosophers, law makers, and wise
 men, that haue treated of gouernment or com-
 mon wealthes, as Plato in his ten most excel-
 lent bookes, which he wrot of this matter inti-
 tuling them *of the common wealth*, and Marcus
 Cicero that famous councelor in other six boo-
 kes that he writ of the same matter, vnder the
 same title. And Aristotle that perhaps excel-
 leth them both, in eight bookes which he cal-
 led his pollitiques, al thes I saye do make their
 entrance to treat of ther common wealth af-
 fayres, from this first principle, to wit, *that man
 by nature is sociable, and inclined to liue in company*,
 wherof do proceede first, al priuate houses,
 then villages, then townes, then cityes, then
 kingdomes, & common wealthes.

Plato de
 repub. Ci-
 cero de
 repub.
 Aristotle
 polit.

Diuers
 prafes.

1.
 Inclinatiō
 vniuersal.
 Pompon.
 Mela. lib.
 3. cap. 3. 4
 Tacit. l. 8.

This ground & principle then do they proue
 by diuers eident reasons, as first, for that in al
 nations, neuer so wild or barborous, we see by
 experience that by one way or other, they
 endeuour to liue together, ether in cityes, tow-
 nes, villages, caues, woodes, tents, or other like
 manner, according to the custome of ech coun-
 trey, which vniuersal instinct could neuer be
 in al, but by impressiō of nature it selfe.

2.
 Speech

Secondly they proue the same, by that the
 vsc of

use of speech is giuen to man for this end and purpose; for that litle auaylable were this priuiledge of speaking if men should liue alone & conuerse with none.

Thirdly not only Aristotle but Theophrastus also Plutarch, and others do confirme the same, by the poore estate & condition, wherein man is borne, more infirme then any other creature, though by creation he be lord & gouernor of al the rest: for where as ech other creature is borne in a certayne sort armed and defended in it selfe, as the bul with his hornes, the bore with his tuske, the bear & wolfe, with their teath, the birde with hir fethers agaynst cold & with her wynges to flye away, the hart & hare with their swiftnes and the like: only man is borne feble and naked, not able to prouide or defende himselfe in many yeares, but only by the heelp of others, which is a token that he is borne to liue in company and to be holpen by others, & this not only for his necessity and help at his begining whiles he is in this imbecility, but also for his more comodious liuing in the rest of his dayes afterwards, seing no man of himselfe is sufficient for himselfe, & he that liueth alone can haue no benefite of others, or do any to others, wherfore wittely said Aristotle in the second chapter of his first booke of politiques, *that he which shieth to liue in society is ether Deus aut Bellua, a God or a best: for that ether he doth it because he hath no neede, of any which is proper to God, or els for that he wil do good to none,* and

Aristot. l.
1. pol. c. 1.
2. 3. 4.

3.
Imbecili-
lity of
man.
Theoph.
lib. de
Plaut. Plu
tarch. cō-
de fortu-
na, & lib.
de pieta-
tem in
parent.

Note this
saying of
Aristotle.

and feeleth not that natural instinct, which man hath to liue in conuersation, which is a signe rather of a beast then of a man.

4. The vse
of iustice
and
Frenship.

Cicero doth add an other reason for this purpose, to wit, the vse of certaine principal vertues giuen vnto man, but principally iustice & frenship, which should be vtterly in vaine, and to no vtilitie, if man should not liue in company of others, for seing the office of iustice is to distribut to euery one his owne: wher no number is, ther no distribution can be vsed, as also neyther any act of frenship, which yet in the society of mā is so necessary & vsual (sayeth this excellent man) *vt nec aqua nec igne nec ipso sole pluribus in locis vtamur, quam amicitia*, that we vse nether water nor fyre nor the sonne it selfe in more places or occasions then frenship.

Cicero
lib. de
amicitia.

The vse of
charity &
helping
one an
other.
August.
lib. de
amicitia.

Gen. 2. v.
18.

And to this effect, of vsing frenship, loue and charity the one towards the other, do christian doctors also, and especially S. Augustine in his booke of frenship, reduce the institution of this natural instinct of liuing in cōpany: which seemeth also to be confirmed by God hym self in those wordes of Genesis, *Dixit quoque Dominus Deus: non est bonum hominem esse solum, faciamus ei adiutorium, simile sibi*. God said, it is not good that man should be alone, let vs make vnto him, a help or assistante like vnto himselfe, of which wordes is deduced that as this first society of our first parēts, vvas of God, & for so great purpose as heere is set downe, the one to be holpen by the other: so al other societyes
in like

in like maner which grow of this first, stand vppon the same ground of Gods ordination for the selfe same end of mans vtility.

And I haue bin the longer in speaking of this natural instinct to society, for that it is the first fountaine of al the rest, that enseweth in a common wealth, as hath bine said: for of this come families, villages, townes, castles, cyties, and common wealthes, al which Aristotle in his bookes before named, doth proue to be of nature, for that this first inclinatio to liue together (wherof al thos other things do spring) is of nature, as hath bin declared.

Out of this, is the second poynt before mentioned deduced, to wit, that gouernment also, superiority, & iurisdiction of magistrats, is likewise of nature, for that it followeth of the former, and seinge that it is impossible for men to liue together with help and commodity of the one, to the other, except ther be some magistrat or other to kepe order amōg them, without which order ther is nothing els to be hoped for as Iob sayeth, *but horror and cōfusion*, as for example, wher-soeuer a multitude is gathered together, if ther be not some to repress the insolent, to assist the impotent, reward the vertuous, chasten the outragious and minister some kind of iustice and equality vnto the inhabitants: ther liuing together would be farr more hurtful, thē ther liuing a sunder, for that one would consume and deuour the other, and so we see, that vppon liuing together followeth of necessity.

That gouernment & iurisdiction of Magistrats is also of nature.

I. Necessity.

Iob 10. v. 12.

cessity some kind of iurisdiction in Magistrats, and for that the former is of nature, the other also is of nature.

2. Al which is confirmed also by the consent &

Consent
of nations.
Cicero li.
1. de natu
ra Deorū.

vse of al nations through-out the world, which general consent, Cicero calleth, *ipsius vocem natu-*

ra the voice of nature herselfe: for ther was neuer yet nation found ether of ancient tyme or now in our dayes, by the discouery of the Indies, or els where, among vvhom men liuing together, had not some kind of Magestrate or

3. The ciuil
law.

superior, to gouerne them, which euidently declareth that this poynt of Magestrates is also of nature, and from god that created nature, which poynt our ciuil law doth proue in like manner in the very begining of our digestes, vvhether the

Lib. 1. di-
gest. tit. 2.

secōd title of the first booke is, *de origine iuris ciu-
lis & omnium magistratuum*, of the begining of the ciuil law and of al magestrates which begining is referred to this first principle, of natural instinct and Gods institution: And last of al,

1. Scripture.

that God did concurr also expresly vvith this instinct of nature, our diuines do proue by cleare testimony of holy scripture, as vvhen God saith to Salomon, *by me kings do raigne*, and S. Paule to the Romans auoucheth, *that authority is not but of God and therefore he which resisteth authority resisteth God*. Which is to be vnderstood of authority power or iurisdiction in it selfe, according to the first institution, as also vvhen it is lawfully laid vppō any person, for otherwise vvhen it is ether vvrongfully taken or vniustly

Prou. 8.
Rom. 13.

vved,

used, it may be resisted in diuers cases as afterwards more in particuler, shalbe declared, for then it is not lawfull authority.

Thes two poynts then are of nature, to wit, the common wealth, and gouernment of the same by magistrates, but vvhath kind of gouernment ech common vvealth vvil haue, whether *Democratia* vvhich is popular gouernment by the people it selfe, as Athens, Thebes, and many other cyties of Greece had in old tyme, & as the Cantons of Swizers at this day haue: or els *Aristocratia* vvhich is the gouernment of some certayne chosen number of the best, as the Romans many yeares vvere gouerned by Consuls and senators, and at this day the states of this countrey of Holland do imitate the same, or els *Monarchia* vvhich is the regiment of one, and this agayne eyther of an Emperor, King, Duke, Earle or the like: thes particuler formes of gouernment (I say) are not determyned by God or nature, as the other two poyntes before, (for the they should be al one in al nations as the other are, seing God and nature are one to al as often hath bin said) but thes particuler formes are left vnto euery nation and countrey to chuse that forme of gouernment, which they shal like best, and think most fit for the natures and conditions of their people, vvhich Aristotle pro-
ueth through out al the second and fourth booke of his politiques very largely laying dovne diuers kinds of gouernments in his dayes, as namely in Greece that of the Milesians, Lacedemonians,

Particuler
forme of
gouernment
is free.

Arist. li. 2.
polit.

monians, Candians, and others, and shewing the causes of their differences, which he attributeth to the diuersity of mens natures, customes, educations and other such causes that made them make choise of such or such forme of gouernment.

*Diuersitie
of gouer-
ment in
diuers cō-
tries and
tymes.*

And this might be proued also by infinit other examples both of tymes past and present, and in al nations and countreyes both christian and otherwise, which haue not had only différent fassions of gouernmēt the one frō the other, but euen among themselues at one tyme, one forme of gouernment, and an other at other tymes: for the Romans first had Kings and after reiecting them for their euil gouernment, they chose Consuls, vvhich vvere two gouernours for euery ycare, vvhose authority yet they limited by a multitude of senators, which vvere of their counsel, and thes mens power, vvas restrayned also by adding tribunes, of the people, and some tyme dictators, and finally they came to be gouerned last of al by Emperors.

Rome.

*Africa &
Greece.*

The like might be said of Carthage in Africa and many cities and common wealthes of Greece, which in diuers seasons and vppon diuers causes haue taken different formes of gouernment to themselues.

Italie.

The like vve see in Europe at this day, for in only Italye what different formes of gouernment haue you? Naples hath a kinge for their soueraine, Rome the pope, and vnder him one senator in place of so many as vvere wont to be in
that

that common vvealth. Venice and Genua, haue senators & Dukes, but litle authority haue ther Dukes. Florence, Farara, Mantua, Parma, Vrbin and Sauoy, haue their Dukes only without senators, and there power is absolut. Milan vvas once a kingdom but now a Dukedom, the like is of Burgundy, Lorayne, Bauires Gascony, and Britayne the lesser, al which once had their distinct kings, and now haue Dukes, for their supreme gouernours. The like may be said of al Germany that many yeares together had one king ouer al, which now is deuided into so many Dukedomes, Earldomes & other like titles of supreme Princes.

But the contrary is of Castile, Aragon, Portugal, Barcelona, and other kingdomes this day in Spayne, which vvere first earldomes only and after Dukedomes, and then kingdomes, and now a gayne are al vnder one Monarchy. The like is of Boeme and Polonia which vvere but Dukedomes in old tyme, and now are kingdomes. The like may be said of France also after the expulsion of the Romans, vvhich was first a monarchy, vnder Pharamond their first king, and so continued for many yeares vnder Clodion, Merouys Childrik and Clodouæus their first christened kings, but after they deuided it into fower kingdomes, to vvit one of Paris another of Sueslons, the third of Orleans, and the fourth of Metts, and so it continued for diuers yeares, but yet aftervwards they made it one monarchy agayne.

Dukes for
kings and
kings for
dukes.

Spayne.

Boeme.
Polonia.

England.

England also vvas first a monarchy vnder the Britaynes, and then a prouince vnder the Romans, and after that deuided into seauen kingdomes at once vnder the Saxons, and novv a monarchy agayne vnder the Inglish and al this by Gods permission, and approbation, vvho in token therof, suffred his owne peculier people also of Israel to be vnder diuers manners of gouernments in diuers tymes, as first vnder Patriarques Abraham, Isaac and Iacob, then vnder Captaynes as Moses, Iosua, and the like, then vnder iudges as Othoniel, Aiod, and Gedion, then vnder high Priestes, as Hely, and Samuel, then vnder kings as Saul, Dauid and the rest, & then vnder captaines & highe priests agayne as Zorobabel Iudas Machabeus, & his brethren, vntil the gouernment vvas lastely taken from them, and they brought vnder the povver of the Romans, and forraine kinges appoynted by them.

The Ie-
vves lib.
Genes.

Lib. Exo.
Lib. Iob.
Lib. Iud.
Lib. i.
Reg.

Lib. Ma-
chab.

The real-
me chu-
seth her
forme of
gouernemēt

So as of al this, ther can be no doubt, but that the common vvealth hath power to chuse their owne fassion of gouernment, as also to change the same vppon resonable causes, as we see they haue done in al tymes and countreyes, and God no doubt approueth vvhat the realme determineth in this poynt, for otherwise nothing could be certaine for that of thes changes doth depend al that hath succeeded sythens.

In like manner, is it euident, that as the common wealth hath this authority to chuse and chaing

change her gouernment, so hath she also to li-
 mite the same vvith vvhat lawes and condi-
 tions she pleaseth, wherof ensueth the great
 diuersity of authority and power vvwhich ech The com-
 mon
 vvealth li-
 miteth
 the go-
 uernors
 authori-
 ty.
 one of the former gouernments hath, as for ex-
 ample, the Consuls of Rome vv ere but for one
 yeare, other officers and Magistrates vv ere
 for more, or lesse tyme, as their commō wealth
 did allot them: The Dukes of Venice at this
 day are for their liues (except in certayne cases,
 wherein they may be deposed) & thos of Genua
 only for two years and their power (as I haue
 said) is very smal and much limited, and their
 heyres haue no clayme or pretence at al after
 them to that dignity, as the children and next
 of kinne of other Dukes of Italy haue, though
 in different sort also: for that the Dukedomes
 of Ferara, Vrbin and Parma are limited only to
 heyres male, and for defect therof to returne to
 the pope or Sea of Rome, Florence and Man-
 tua for like defects are to returne to the empire
 and do not passe to the heys femal or to the
 next of kynne as Sauoy and some others do.

Aud now if we respect God and nature, as
 wel, might al thes gouernments follow one
 law, as so different, for that neyther God nor
 nature prescribeth any of thes particuler for-
 mes, but concurrerth with any that the cōmon
 wealth it selfe appoynteth, and so it is to be be-
 leued, that God and nature concurred as vv el
 with Italy when it had but one Prince, as now
 when it hath so many, and the like with Ger-

many, and the like also with Swizerlād, which once was one common vvealth only vnder the dukes and Marqueses of Austria and now are deuided into thirtene Cantons or common wealthes vnder populer Magestrates of their owne, as hath bin said: so as when men talke of *a natural Prince or natural successor* (as many tymes I haue hard rhe vvord vsed) if it be vnderstood of one that is borne within the same Realme or countrey and so of our owne natural blood, it hath some sence, though he may be both good or badd, (and none hath bin worse or more cruel many tymes then home borne Princes:) but if it be ment as though any Prince had his particuler gouernment or interest to succeed by institutiō of nature, it is rediculous, for that nature giueth it not as hath bin declared, but the particuler constitution of euery cōmon wealth with-in it selfe, and so much for this first poynt which must be the ground to al the rest that I haue to say.

OF THE

OF THE FORME OF
MONARCHIES AND KINGDO-
MES IN PARTICVLER, AND THE DIF-
ferent lawes, wherby they are to be obteyned hol-
den and gouerned in dyuers countries accor-
dinge as eche common wealth hath
chosen & establisshed.

C A P. II.

AL that hitherto hath bin spoken, hath
appertayned to al princely and supreme
gouerment in general, but now for
that our matter in question, is concer-
ning the succession to a kingdome, good rea-
son that we should reduce our speech vnto
this forme of gouerment in particuler.

First of al then, is to be considered, that of al
other formes of gouerment the monarchy of a
king in it selfe, appeareth to be the most excel-
lent and perfect, and so do hold not only Ari-
stotle in his fornamed bookes of polittiques, &
namely in his third (with this only condicion
that he gouerne by lawes) but Seneca also and
Plutarch in his morales & namely in that spe-
cial treatise wher-in he discusseth, *an seni sit*
Respub: tractanda, whether an old man ought to
take vppon him the gouerment of a common
wealth or no: wher he saith that, *regnum inter*
omnes respub: consumatissima & prima est, a kingdo-
me is the most perfect common wealth, among
al other, & the very first: that is to say, the most

A monar-
chy the
best go-
uerment.

Arist. li. 4.
pol. a. c. 9.
Seneca.
Plutarch.

perfect for that it hath most commodities and least inconueniences in it selfe, of any other gouernment, and it is the first of al other, for that al people commonly made their choise at the begining of this kind of gouernment, so as of al other it is most ancient, for so we read that among the Syrians, Medes, and Persians their first gouernours were kings and when the children of Israel did aske a kynge at the hands of Samuel, which vvas a thousand yeares before the comming of Christ, they alleaged for one reason that al nations round about them had kings for their gouernours, and at the very same tyme, the chiefeſt cyties and common vvealths of Greece, as the lacedemonians, Athenians, Corinthians, and others, wherof diuers afterwards tooke other gouernments vnto themſelues, for the abuses in kingly gouernment committed, at that tyme ywere gouerned by kings as at large proueth Dyonisius Halicarnasseus, Cornelius Tacitus, Cicero & others.

The Romans also began vvith kings as before I haue noted, and the reason of this is, for that as our Christian doctors do gather, (especially *S. Hierome* and *S. Chrysostome*) this kind of gouernment resembleth most of al the gouernment of God, that is but one: it representeth the excellency of one sonne that lightneth al the plannets, of one soule in the body that gouerneth al the powers and members therof, and finally they shew it also to be most conforme vnto nature, by example of the bees which do
chooſe

The antiquity of Monarchy.

1. Reg. 8.

Dionys.
Haly l. 5.
Cornel.
Tacit. l. 3.
Cicero l.
1. Offic.

Hierom. l.
2. epist. 12.
Chrysost.
ho. 23.

chooſe vnto themſelues a kinge, and do liue vnder a monarchy as the moſt excellent of al other gouernments, to which purpoſe alſo I haue hard alleaged ſomtymes by diuers thoſe wordes of S. Peter. *Subiecti eſtote omni humana creatura propter Deum, ſiue regi quaſi precellenti: ſiue ducibus ab eo miſſis, &c.* 1. Pet. 2.

Be you ſubieſt of euery humane creature, for Gods cauſe, whether it be to a king, as the moſt excellent, or to Dukes ſent by God for the puniſhment of euil men and praiſe of the good. Out of which wordes ſome do note two points, firſt that as one the one ſide the Apoſtle doth plainly teach that the magiſtrates authority is from God, by his firſt inſtitutiō, in that he ſayeth, vve muſt be ſubieſt to them for Gods cauſe, ſo on the other ſide, he calleth it a humane creature or a thing created by man, for that by mans free choiſe this particuler forme of gouernment (as al other alſo) is appoynted in euery common wealth, as before hath bin declared: and that by mans election and conſent, the ſame is layd vppon ſome particuler man or vvoman, according to the lawes of euery countrey, al which maketh it rightly to be called both a humane creature, and yet from God.

Two
poyntes
to be no-
ted.

The ſecond poynt which diuers do note out of theſe wordes, is, that S. Peter calleth a king moſt excellent, which thoughe it may be vnderſtood in reſpect of the Dukes authority, wherof immediatly ther followeth mentiō: yet may it ſeeme alſo to be taken and verified of kingly authority in reſpect of al other gouernments,

How
S. Peter
calleth a
king moſt
excellent.

ments, seing that at this tyme when the Apostle wrote this epistle, the chiefe gouernour of the world, vvas not called king but emperour, and therfore seing in such a tyme S. Peter affirmeth the state of kingly gouerment to be most excellent, it may seme he meant it absolutely signifying therby that this is the best kind of gouerment among al others, though to confesse the truth betwene the title of king and Emperor ther is litle or no difference in substance, but only in name, for that the authority is equal, euery king is an Emperor in his owne kingdome.

And finally the excellency of this gouerment aboue al other, is not only proued by the perfection therof in it selfe, as for that it is most ancient simple and conforme vnto nature, & most resembling the gouerment of God him selfe, as hath bin said, but by the effects also and vtility that it bringeth vnto the subiects, with farr lesse inconueniences then any other forme of gouerment what-soeuer if vve compare them together: for in the monarchy of one king, ther is more vnity, agreement, and conformity, and therby also celerity commonly in dispatching of busines, and in defending the cōmon vvealth, then vvhether many heades be: lesse passions also, in one man then in many: as for example in *Democratia*, vvhether the common people do beare the cheife sway, which is *bellua multorum capitum* as Cicero wisely said, that is, a beast of many heades, ther is nothing but sedition, trouble,

Vtilites
of a king-
dome and
in conue-
niences
of other
gouer-
mentes.

Cicero l. i.
offic. De-
mocratia.

trouble, tumults, outrages, and iniustices committed vppon euery litle occasion, especially vvhether crafty and conning men may be admitted to incense or assuage them with sugred vvords, such as were the Orators in Athens, and other cyties of Greece, that had this gouernmēr, and the Tribunes of the people of Rome, and other such populer and plausible men, vvho could moue the vvaues, rayse vp the windes, and inkindle the fier of the vulgar peoples affections, passions or furies at their pleasure, by which vve see that of al other common vvealthes, these of populer gouernment, haue soonest cometo ruine, vvhich might be shevved not only by old examples of Greec, Asia, and Africa, but also of many cyties in Italy, as Florence, Bolonia, Siena, Pisa, Arezzo, Spoleto, Perugia, Padua and others, vvhich vppon the fall or diminution of the Roman Empire (vnder which they vv ere before) rooke vnto themselues populer gouernments, vvherin they vv ere so tossed vvith continual sedition, mutines, and bāding of factions, as they could neuer haue ende therof, vntil after infinite murthers massacres and inundatiō, of blood, they came in the ende to be vnder the monarchy of some one Prince or other, as at this day they remayne: so that of al other gouernments this is the vvorst.

Miseries
of popu-
ler gouer-
ment in
Italy.

The second forme, which is called Oligarchia or Aristocratia (for that a few and those presumed to be the best, are ioyned together in authority) as it doth participate some thinge of both

Aristo-
cratia.

of both the other gouernmēts, to wit, of monarchia and Democratia, or rather tempereth them both: so hath it both good and euil in it: but yet inclineth more to the euil, for the disunion that commonly by mans infirmity & malice, is among thos heades, for vvhich cause the states before named of Venice and Genua, vvhich were wont to haue simply this gouernment of Aristocratia, in that their regiment was by certaine chose senators, were inforced in the end, to chuse Dukes also, as heades of their senates, for auoyding of dissention, and so they haue them at this day, though their authority be but smale as hath bin said.

We see also by the examples of Carthage & Rome wher gouernment of Aristocratia, tooke place, that the diuision and factions among the senators of Carthage, was the cause why ayde and succor was not sent to Hanibal, their Capitaine in Italy after his so great and important victory at Cannas which was the very cause of the sauing of the Roman Empire, and the losse of their owne. As also afterwarde the emulations, discord, and disunion, of the Roman senators, among themselues in the affaires and contentions of Marius and Silla, and of Pompey and Cesar, was the occasion of al their destruction & of their common vvealth with them.

Euidēt then it is, that of al other gouernments the monarchy is the best, & least subiect to the inconueniences that other gouernments haue,

Tit. liu.
l. 30.

Eutrop. l.
3.
Oros. l. 5.
& 6.

haue, and if the prince that governeth alone & hath supreme authority to himselfe, as he resembleth God in this poynte of sole gouernmēt, The cause why lawes be added to Kings. so could he resemble him also, in wise, discret, and iust gouernment, and in ruling without passion: no doubt, but that nothing more excellent in the world could be desired for the perfect felicity of his subiects: but for that a king or Prince is a man as others be, and therby not only subiect to errors in iudgment, but also, to passionat affectiōs in his wil: for this cause, it was necessary that the common vvealth, as it gaue him this great power ouer them, so it should assigne him also the best helps that might be, for directing and rectifying both his wil and iudgment, and make him therein as like in gouernment to God, whom he representeth, as mans frailty can reach vnto.

For this consideration they assigned to him first of al, the assistance and direction of law, wherby to gouerne, which law Aristotle saith. *Est mens quædam nullo perturbata affectu*, it is a certain mynde disquieted with no disordinate affection, as mens myndes commonly be, for that when a law is made, for the most part, it is made vppon dew consideration and deliberation, and without perturbation of euil affectiōs, as anger, enuy, hatred, rashnes, or the like passions, and it is referred to some good end and commodity of the common vvealth, which law, being once made, remayneth so stil without alteration, or partial affectiō, being indifferent

Arist. l. 3.
pol. c. vlc.

indifferent to al and partial to none, but telleth one tale to euery man, & in this it resembleth the perfection as it were of God himselfe, for the which cause the said philosopher in the same place, addeth a notable wise sayng, to wit,

A notable saying
Arist. l. 3.
Pol. c. 12.

that he which ioyneth a law to gouerne with the Prince, ioyneth God to the Prince, but he that ioyneth to the Prince his affection to gouerne, ioyneth a beast: for that mens affections and concupiscences are common also to beastes: so that a Prince ruling by law is more then a man, or a man deified, and a Prince ruling by affections, is lesse then a man, or a man brutified. In another place also the same philpopher sayeth that a Prince that leaueth law and ruleth himselfe & others by his owne appetite and affections, of al creatures is the worst and of al beasts is the most furious and dangerous, for that nothing is so outragious, as iniustice armed, and no armor is so strong, as witt and authority, wherof the first he hath in that he is a man, and the other in that he is a Prince.

Arist. l. 1.
Pol. c. 2.

Diuers names & propeties of lawes.

Cic. lib. 2.
offic.

For this cause then al common wealthes haue prescribed lawes vnto their Princes, to gouerne therby, as by a most excellent, certayne & immutable rule, to which sense Cicero, said *leges sunt inuenta vt omnibus semper vna & eadem voce loquerentur*, lawes were inuented to the ende, they should speake in one and the selfe same sense, to al men. For which very reason in lyke maner thes lawes haue bin called by Philosophers a rule or square, inflexible, and by

Aristotle

ments, of England and France, the courtes in Spayne and diets in Germany, vvithout which no matter of great moment can be concluded, and besides this commonly euery king hath his priuy councel, whom he is bound to heare, and this vvas done to temper somwhat the absolute forme of a Monarchy whose danger is by reason of his sole authority, to fal into tyranny as Aristotle vvifely noteth, in his fourth booke of politiques, shewing the incōuenience or dangers of this gouernment: vvhich is the cause that vve haue few or no simple monarchies now in the world, especially among Christians, but al are mixt lightly with diuers pointes of the other two formes of gouernment also, and namely in England al three do enter more or lesse, for in that ther is one king or Queene, it is a monarchy: in that it hath certayne councelles which must be hard: it participateth of Aristocratia, and in that the commonalty haue their voices and burgessees in parlament, it taketh part also of Democratia, or populer gouernment, al which limitations of the Princes absolute authority, as you see, do come for the common wealth, as hauing authority aboue their Princes for their restraint to the good of the realme, as more at large shalbe proued hereafter.

Arist. l. 4.
Pol. c. 10.

The monarchy
of England
tempered.

The restraints of
kingly power in
all estates.

From like authority and for like considerations haue come the limitations of other kings and kingly power in all tymes and countries, from the beginning, both touching themselves and their

and their posterity and successors as breefly in this place I shal declare.

And first of al, if we vvill consider the tvvo most renoumed and allowed states of al the world I meane of the Romans and Grecians, vve shal finde that both of them began vvith kings, but yet vvith far different lawes and restraints, about their authorities: for in Rome the kings that succeded Romulus, their first founder, had as great and absolute authority as ours haue now a dayes, but yet their children or next in blood succeded them not of necessity, but new kings were chosen partly by the senate, and partly by the people, as Titus Liuius testifieth, so as of three most excellent kings that ensued immediatly after Romulus, to wit, *Numa Pompilius*, *Tullius Hostilius*, & *Tarquinus Priscus*, none of them were of the blood royal nor of kyn the one to the other, no nor yet Romans borne, but chosen rather from among strangers, for their vertue and valor, and that by election of the senate and consent of the people.

Roman
Kings.

Liu.lib.1.
dec 16

In Greece, and namely among the lacedemonians which vvvas the most emynent kingdom among others at that tyme, the succession of children after their fathers was more certayne, but yet as Aristotle noteth, ther authority & power was so restrayned by certayne officers of the people named Ephori (which commonly vvwere siue in number) as they were not only checked and chastined by them, if occasion ser-

Grecian
kings.

Arist.li.2.
c.8. polit.
Plutarch.
in Lycurg.

ued, but also depriued and some tymes put to death: for which cause the said philosopher did iustly mislike this emyhent iurisdiction of the Ephori, ouer their kings: but yet hereby we see vvhat authority the common wealth had in this case, and what their meaning vvvas in making lawes and restrayning their kings power, to wit, therby the more to binde them to do iustice, which Cicero in his offices vttereth in thes vvordes. *Iustitia fruenda causa apud maiores nostros & in Asia & in Europa bene morati reges olim sunt constituti, &c. at cum ius equabile ab vno viro homines non consequerentur, inuenta sunt leges.* Good kings vvvere appoynted in old tyme among our ancestors in Asia and Europe to the end therby to obteyne iustice, but when men could not obteyne equal iustice at one mans handes, they inuented lawes.

Cic. lib. 2.
offic.
VVhy
kings vve
re restray-
ned by la-
wes.

The same reason yealderth the same philosopher in an other place, not only of the first institution of kingdomes, but also of the chainge therof agayne into other gouernments, when thes vvwere abused. *Omnes antiquae gentes regibus quondam paruerunt, &c.* That is, al old nations
 „ did liue vnder kingdomes at the beginning,
 „ which kind of gouernment first they gaue vnto
 „ the most iust, and wisest men, which they could
 „ finde, and also after for loue of them, they gaue
 „ the same to their posterity or next in kynne, as
 „ now also it remayneth vvher kingly gouer-
 „ ment is in vse: but other countries which liked
 „ not that forme of gouernment, and haue shaken
 it of,

Cic. lib. 3.
de legi-
bus.

it of, haue done it not that they wil not be vn-,,
der any, but for that they wil not be euer vnder,,
one only. ,,

Thus far Cicero, and he speaketh this prin-
cipally in defence of his owne commō wealth ^{vWhy}
I meane the Roman, which had cast of that ^{Kingly go}
kinde of gouernment, as before hath bin said, for ^{uerment}
the offence they had taken agaynst certayne ^{vvas left}
kings of thers, and first of al, agaynst *Romulus* ^{in Rome,}
himselfe their first founder, for reigning at his
pleasure without law, as *Titus Linius* testifieth, ^{Titus Li-}
for which cause the senators at length slew ^{nius l. i.}
him, and cut him in smal peces. And afterwards ^{dec. i.}
they were greatly greeued at the entring of
Seruius Tullius, their sixt king, for that he gate the
crowne by fraude and not by election of the
senate, and special approbation of the people,
as he should haue done: but most of al they
were exasperated by the proceeding of their se-
uenth kinge named *Lucius Tarquinius*, surnamed
the proud, who for that (as *Linius* saith) he ne- ^{Linius}
glected the lawes of gouernment prescribed to ^{ibidem.}
him by the common wealth, as namely in that
he consulted not with the senate in matters
of great importance, & for that he made war &
peace of his owne head & for that he appoynted
to himselfe a gard as though he had mistrusted
the people, and for that he did vse iniustice to
diuers particuler men, and suffred his children
to be insolent, he was expelled with al his po-
sterity and the gouernment of Rome changed
from a kingdome vnto the regiment of con-

suls, after two hundreth yeares that the other had endured.

And thus much for those kingdomes of Italy and Greece: And if likewise we wil looke vpon other kingdomes of Europe, we shal see the very same, to wit, that euery kingdome & countrey hath his particuler lawes prescribed to their kings by the common vvealth, both for their gouernment, authority, and succession in the same: for if we behold the Romā Empire it selfe, as it is at this day annexed to the Germane electors, though it be the first in dignity among christian Princes, yet shal we see it so restrayned by particuler lawes, as the Emperor can do much lesse in his state, then other kings in theirs, for he can nether make vvarr nor exact any contribution of men, or money, therunto, but by the free leaue and consent of al the states of the Germane diet or parliament, and for his children or next in kynn, they haue no action, interest or pretence at al to succeed in their fathers dignity, but only by free electiō, if they shalbe thought vvorthy: Nay one of the chiefeest poynts that the Emperor must sweare at his entrance, as Sleydan writeth, is this, *that he shal neuer go about to make the dignity of the Emperor peculiar or hereditary to his family, but leaue it vnto the seuen electors free in their power, to chuse his successor, according to the law made by the pope Gregory the syfth, and the Emperor Charles the fourth in this behalfe.*

Restraints
of king-
domes in
Europe.

Sleydan
lib. 8.
An. 1532.

Blond. Di
cad. 2. li. 3
Grant. li.
cap. 25.

The kingdomes of Polonia & Boemia do go much after the same fashion, both for there restraint of power, and succession to their kings. For first touching their authority, they haue great limitation, nether can they do any thing of great moment, without the consent of certayne principal men called Palatines or Castellans, nether may their children or next of blood succede except they be chosen, as in the Empire.

Kingdomes of
polonia
and Boe-
mia.

Herbert
li. 9. hist.
Polon.
Crome-
rus lib. 3.
Hist. Po-
lon.

In Spayne, France, and Ingland, the priuileges of kings are far more eminent in both the points, for that both their authority is much more absolute, and their next in blood do ordinarily succede, but yet in different manner: for as touching authority it semeth that the kings of Spayne and France, haue greater then the king of England, for that euery ordination of the two kings, is law in it selfe, without further approbation of the common wealth, which holdeth not in England, where no general law can be made without consent of parliament: but in the other point of succession, it appeareth that the restraint is far greater in thos other two countries, then in Ingland, for that in Spayne the next in blood cannot succede be he neuer so lawfully descended, but by a new approbation of the nobility and bishops, and states of the Realme, as it is expressly set downe in the two ancient councelles of Tolledo the fourth and fifth. In confirmation wherof we see at this day, that the king of Spaynes owne sonne, can-

Kinges of
Spayne
Fraunce
and In-
gland.

Concil.
blet. 4 c.
74. & cō-
cil. f. c. 3.

not succede nor be called Prince, except he be first sworne by the said nobility and states in token of their new consent, and so we haue seene it practized in our dayes towards three or fower of King Philips children, which haue succeeded the one after the other in the title of Princes of Spaine, and at euery chainge a new oth required at the subiects handes, for their admission to the said dignity, which is not vsed in the kings children of France or England.

Peculiar
manner
of succes-
sion.

In France the world knoweth, how women, are not admitted to succed in the crowne be they neuer so neare in blood, nether any of their issue, though it be male. For which cause I doubt not but you remeber how king Edward the third of England though he were sonne & heyre vnto a daughter of France, whose three brethren were kings and left hir sole heyre to hir father king Phillip the fourth surnamed the fayre, yet vvas he put by the crowne, as also was the king of Nauar, at the same tyme, who was sonne and heyre vnto this womans eldest brothers daughter, named Lewis Huttin king of France, (which king of Nauar therby seemed also to be before king Edward of England) but yet were they both put by it, and Philip de Vallois, a brothers sonne of Phillip the faire, was preferred to it, by general decree of the states of France, and by vardit of the whole parliament of Paris, gathered about the same afayre.

An. 1340.
Paul.
Anil. hist.
Franc. l. 2.
Gerard.
du Hayl-
lan lib. 14
hist. Frac.

Fran. Bel-
for lib. 5.
cap. 1.
An. 1327.

Nether did it auayle, that the two kings a
fore

fore said alleaged, that it was agaynst reason & conscience and custome of al nations, to exclud
 vvomen, from the succession of the crowne
 which appartayned vnto them by propinquity
 of blood, seing both nature & God hath made
 them capable of such succession euery where,
 as it appereth by example of al other nations,
 and in the old testament among the people of
 god it selfe, wher we see women haue bin ad-
 mitted, vnto kingdomes by succession, but al
 this (I say) preuayled not, vvith the French as it
 doth not also at this day for the admission of
Dona Isabella Eugenia Clara, infanta of Spayne vnto
 the said crowne of France though by dissent of
 blood ther be no question of her next propin-
 quity for that she is the eldest child of the last
 kings eldest sister.

Reasons
for succes-
sion of
vvomen.

The in-
fanta of
Spayne &
Prince of
Lorayne.

The like exclusion is made agaynst the Prin-
 ce of Lorayne that now liueth, though he be a
 man, and nephew to the last king, for that his
 title is by a woman, to wit, his mother, that
 vvas yonger sister vnto the last king Henry of
 France.

And albeit the law called Salica, by the
 Frenchmen, by vertue vvherof they pretend to
 exclude the succession of vvomen, be no very
 ancient law, as the French themselues do con-
 fesse, and much lesse made by Pharamond ther
 first king, or in thos ancient tymes as others
 without ground do affirme: yet do vve see that
 it is sufficient, to bynd al Princes and subiects
 of that realme, to obserue the same, and to alter

Gerard du
Haillan
Lib. 13.
Hist. Frâc.
& Anno
1317. &
lib. 14.
An. 1328.
& lib. 3.
de l'Estat
destruqç.

the course of natural descent, and neernes of blood as vve haue seene, and that the king of Nauarr and some other of his race by vertue of this only law do pretend at this day to be next in succession to this goodly crowne, though in neernes of blood they be farther of, by many degrees from the last king Henry the third, then either the foresaid Infanta of Spayne or the Prince of Lorraine that now is, vvhoe are children of his owne sisters, which poynt yet in England vvere great disorder, and would not be suffered, for that our lawes are otherwise, & vvhoe made thes lawes, but the common wealth it selfe.

By al vvhich vve see that diuers kingdomes, haue diuers lawes and customes in the matter of succession, and that it is not enough (as often I haue said) for a man to alleage bare propinquity of blood, therby to preuaile, for that he may be excluded or put back by diuers other circumstances, and for sundry other reasons which afterward we shal discusse.

Yea, not only in this pointe (said he) hath the commo wealth authority to put back the next inheritors vppon lawfull considerations, but also to dispossesse them that haue bin lawfully put in possession, if they fulfil not the lawes and condicions, by which and for which, their dignity vvas giuen them. Which poynt as it cannot serue for vvhicked me to be troublesome vnto their gouernors, for their owne interests or appetits, so yet when it is done vppon iust and
urgent

Kings
lawfully
possessed
may be
deprived.

urgent causes and by publique authority of the whole body: the iustice therof is playne, not only by the grounds and reasons before alleaged, but also by thos examples of the Romans and Grecians already mentioned, vvhich lawfully deposed their kings vppon iust considerations, & chainged also ther monarchie and kingly gouernment, into other formes of regiment. And it might be proued also, by examples of al other nations, and this perhapps vvith a circumstance vvhich I know not, vvwhether euery man here haue considered the same, to vvit, that God hath vvonderfully concurred for the most part, vvith such iudicial actes of the common vvealth agaynst their euell Princes, not only in prospering the same, but by giuing them also commonly some notable successor in place of the deposed, therby both to iustify the fact, and to remedy the faulte of him that went before.

A remarkable circumstance.

To this al the company answered, that they had neuer much thought, nor made reflexion vppon any such circumstance, and therfore that it could not be but a pointe of much nouelty, to here the same discussed, requesting him to say what he had obserued or read in that behalfe.

I am content (said he) but yet vvith this preface, that I am far from the opinion of thos people of our dayes, or of old, who make so litle accompt of their duty tovvards Princes, as be their title vvhat it wil, yet for euery mislike of
ther

Agaynst rebellious people and contemnors of Princes.

ther owne they are redy to band agaynst them wherfoeuer they thinke they may make their partie good, inuenting a thousand calumniationes for ther discredit without conscience or reason, vvhom in deede I do thinke to haue litle conscience or none at al but rather to be those vvhom the Apostles S. Peter and S. Iude did speake of vwhen they said. *Nouit Dominus iniquos in diem iudicij reseruare, cruciandos, magis autem eos qui dominationem contemunt, audaces, sibi placentes, &c.* God knoweth how to reserue the wicked vnto the day of iudgment ther to be tormented, but yet much more those {vvhich do contemne domination, or gouernment, and are bold and liking of themselves, thus much ther.

2. Pet. 2.
10.
Iudz 1.

Titles of
Princes
once settled
not to be examined
by
private
men.

Nay further, I am of opinion, that whatsoeuer a Princes title be, if once he be settled in the crowne, and admitted by the common wealth (for of al other holdes I esteeme the tenure of a crowne) if so it maye be termed (the most irregular and extraordinary) euery man is bound to settle his conscience to obey the same, in al that lawfully he may commaunde, and this without examination of his title, or interest, for that (as I haue said) God disposeth of kingdomes and vvorketh his vvil in Princes affayres as he pleaseth, and this by extraordinary meanes, oftentimes so that if vve should examine the titles at this day, of al the Princes of Christendome, by the ordinary rule of priuate mens rightes successions or tenures, vve should finde so many knotts and difficulties, as it vvould be hard
for any

for any law to make the same playne, but only the supreme law of gods disposition, which can dispense in what he listeth.

This is my opinion in this behalf for true and quiet obedience, and yet on the other side, as far of am I from the abiect and vvicked flattery of such as affirme Princes, to be subiect to no law or limitation at al, either in authority gouernment, life, or succession, but as though by nature they had bin created kings from the beginning of the vvorld, or as though the common vvealth had bin made for them and not they for the common vvealth, or as though they had begotten or purchased or giuen life to the vveal publique, and not that the vveal publique had exalted them or giuen them their authority honor and dignity: so thes flatterers do free them, from al obligation, dewty reuerence or respect vnto the whole body wherof they are the heades, nay expresly they say and affirme that: *al mens goodes bodies and liues, are the Princes at their pleasures to dispose of: that they are vnder no law or accompt-giuing whatsoeuer, that they succeed by nature and generation only, and not by any authority admission or approbation of the common wealth, and that consequently no merite or demerit of ther persons is to be respected, nor any consideration of their natures or qualities, to wit of capacity, dispositiō, or other personal circumstances, is to be had or admitted, and do they what they list, no authority is ther vnder God, to chasten them.*

Agaynst flatters that yeald to much povver to Princes.

Aburde flateries vttered by Bellay & others.

Al thes absurd paradoxes, haue some men of our dayes

Belloy in
apolog.
cath. &
apolog.
pro rege.

our dayes vittered in flattery of Princes, and namely of late, one Belloy a French man (as before I signified) in tvvo bookes which he called apologies, the one catholique, and the other for the king, both vvwhich he semeth to vvrite in fauour of the king of Nauare, (and as other also cal him king of France) but in my opinion, he deserueth smal commendation, or revvard to defend a kings title, vvith such assertions and propositions, as do destroy al law reason conscience and common vvealth, and do bring al to such absolute tyranny as no realme euer did or could suffer among ciuil people, no not vnder the dominion of the Turke himselfe at this day, vvher yet some proportion of equity is held betwene the Prince and the people, both in gouerment and succession, though nothing so much as in Christian nations.

The purpose of
the next
Chapter.

Wherefore to auoyd thes two extremes, I shal proue vnto you, the meane before mentioned, to vvit, that as al the duty, reuerence, loue, and obedience before named, is to be yealded vnto euery Prince which the common wealth hath once establisshed: so yet retrayneth stil the common wealth her authority not only to restrayne the same Prince, if he be exorbitant, but also to chasten and remoue him, vppon due & waighty considerations, and that the same hath bin donne and practised at many tymes in most nations, bothe Christian & otherwise vvith right good successe, to the weal publique, and this shalbe the argument (if you thinke good) of

our next

our next meeting, for that now it is late, and I would be loth to haue you go away vvith my tale halfe tould, for that it is a matter of much moment, as to morrow you shal here.

Al vveare content vvith this resolution, and so departed euery man, to his logging, vvith purpose to returne the next morning somwhat more early then their accustomed houre to the end the matter might be thoroughly debated.

OF KINGS LAVVFULLY CHASTISED BY THEIR COMMON VVEALTHES FOR THEIR

*misgouernment, and of the good and prosperous
successe that God commonly hath
giuen to the same.*

CAP. III.

THE company vvas no soner come together the next morning, but they were al at the ciuiliā lawyer to performe his promise, and to prosecute the matter he had propounded the night before: to vvhom he answered, you require of me (if I be Two not deceaued) two points ioyntly to be proued pointes to be pro- vnto you, the first that common wealthes haue ued. chastised somtymes lawfully ther lawful Princes, though neuer so lawfully they vveare descended, or otherwise lawfully put in possession of their crowne, and secondly that this hath
fallen

fallen out euer, or for the most part, commodious to the weal publique, & that it may seeme that God approued and prospered the same, by the good successe and successors that ensued therof. Which two points, I am content (quoth he) to shew vnto you, by some examples for that the reasons herof haue in part bin declared before, & shalbe more in particuler hereafter, but yet must I do this vvith the protestation, before mentioned, that nothing be taken out of this my spech, agaynst the sacred authority and dew respect and obedience, that al men do owe, vnto Princes both by Gods law and nature as hath bin proued, but only this shal serue to shew that as nothing vnder God is more honorable, amiable, profitable or soueraine, then a good Prince: so nothing is more pestilent or bringeth so general destruction and desolation as an euell Prince. And therefore as the vvhole body is of more authority then the only head, and may cure the head if it be out of tune, so may the weal publique cure or cutt of their heades, if they infect the rest, seing that a body ciuil may haue diuers heades, by succession, and is not bound euer to one, as a body natural is, vvhich body natural, if it had the same ability that whē it had an aking or sickly head, it could cut it of and take an other, I doubt not, but it vvould so do, and that al men would confesse that it had authority sufficient & reason to do, the same rather then al the other partes should perish or liue in payne and continual tourmēt: but yet

Nothing
heer spo-
ke against
dew re-
spect to
Princes.

but yet much more cleare is the matter that vve haue in hand for disburdening our selues of vicked Princes, as now I shal begin to prone vnto you.

And for profe of both the poynts ioyntely which you require, I might beginn perhaps with some examples out of the scripture it selfe, but that some man may chace to say, that thes things recounted ther of the Iewes, vvere not so much to be reputed for acts of the common wealth, as for particuler ordinations of God himselfe, vvhich yet is not any thing agaynst me, but rather maketh much for our purpose. For that the matter is more authorized hereby, seing that what soeuer God did ordeyne or put in vre in his common vwealth, that may also be practised by other common vwealthes, now hauinge his authority and approbatiō for the same. Wherefore (said he) though I do haste to examples that are more nearer home, and more proper to the particulier purpose wherof vve treat, yet can I not omit to note some two or three out of the bible, that do apperteyne to this purpose also, & thes are the depriuation and putting to death of two wicked kings of Iuda, named Saul and Amon, (though both of them vvete lawfully placed in that dignity) and the bringing in of Dauid and Iosias in their roomes, vvho were the two most excellent Princes that euer that nation or any other (I thinke) haue had to gouerne them.

Depriuations of kings recounted in scripture.

1. Reg. 31.
4. Reg. 21.
44.

And first king Saul though he were elected
E by God

by God (as you know) to that royal throne, yet vvas he slayne by the Philistians by Gods order as it vvas foretold him for his disobedience & not fulfilling the law & limites prescribed vnto hym. Amon was lawfull king also & that by natural descent & successiō for he was sonne & heyre to king Manasses whom he succeeded and yet vvas he slayne by his owne people, *quia non ambulauit in via Domini*, for that he walked not in the way prescribed vnto him by God: and vnto thes two kings so depriued, God gaue two successors, as I haue named, the l ke wherof are not to be found in the whole ranck of kings for a thousand yeares togeather: for of Iosias it is written, *Fecit quod erat rectum in conspectu Domini, & non declinauit neque ad dextram neque ad sinistrā*, he did that which was right in the sight of God, nether did he decline vnto the right hand nor the left. He reigned 31. yeares, and Hieremias the prophet that liued in his tyme, loued so extremely this good king, as he neuer ceased afterwards to lament his death as the scripture sayeth.

King Iosias.

2. Paralip.
34. 5

2. Paralip.
35.

King David.

Xenophō
in Cyropad.

As for king David, it shal not be need-ful to say any thing, how excellent a king he vvas, for as many lerned men do note, he was a most perfect paterne for al kings that should follow in the world, not as king Cyrus whom Xenophon did paint out more according to his owne imagination of a perfect king, that he wished, then to the truth of the story, but rather as one that passed far in actes that which

is written

is written of him, and this not only in matters of religion, piety, and deuotion: but also of cheualry valor wisdom & pollicy, nether is it true which *Nicholas Machauel*, the Florentyne, and some others of his new vnchristian schole do affirme, for defacing of christian vertue, *that religion and piety are letts ostentymes to politique and wise gouernment, and do breake or weaken the high spirits of magnanimous men, to take in hand greate enterprises for the common wealth.* This (I say) is extreme false, for that as diuines are wont to say (and it is most true) grace doth not destroy or corrupt but perfecteth nature, so as he which by nature is valiant, wise, liberal, or politique, shalbe the more, if also he be pious and religious. Which we see euidently in king David, who notwithstanding al his piety, yet omitted he nothing apperteyning to the state and gouernment of a noble wise and politique Prince. For first of al, he began with reformation of his owne court and realme in matter of good life and seruice of God, wherein he vsed the counsel and direction of Gad and of Nathan the Prophet, as also of Abiathar and Hiram the cheefe priestes, and of Heman his wise counsellor. He reduced the whole clergie into 24. degrees, appointing foure thousand singars with diuers sortes of musycal instruments, vnder *Asaph*, *Heman* and other principal men that should be heades of the quyre. He appoynted al officers needful both for his court and also the commo wealth, with the armes of the crowne,

Nich. Macha 1. 2. c. 2. in Tit. Liuius.

August. 1. de Gran.

The vvifdome and piety of King David.

1. Paralip. 18.
1. Psal. 23.
& 25.

The armes
of King
Dauid.

which was a Lyon, in remembrance of the Lyon which he had slayne with his owne handes, when he vvas a child: he ordeyned a mynt with a peculier forme of money to be stamped: tooke order for distributing reliefe vnto the poore, & otherlyke actes of a prudent and pious Prince.

His valor
in chival-
ry.

After al this he turned himselfe to his old exercise of warres, to which he was giuen from his child hood, being wonderful valiant of his owne person as appereth by the Lion and beare that he slew vvith his owne handes, and the courage vvherwith he tooke vppon him the combat with Goliath, and as he had shewed himselfe a great vvarier and renowned captayne many yeares in the seruice of Saul, agaynst the Philistians, and had gayned many noble victories: so much more did he after he vvas king himself, for that he conquered not only the Philistians, but also the Amorits, Idumeans, Moabites, vvith the kings and people of Damasco and al Syria, euen vnto the ruier Euphrates, & left al thes countreyes peace-able to his successor and the scripture recompteth in one only chapter, how that in three or foure battailes wherin Dauid himselfe vvas present, vvith in the space of two or three yeares, almost a hundreth thousand horse and footē slayne by him, and that himselfe slew in his dayes eight hundreth vvith his owne handes, and that he made by his example thirty & seuen such Captaynes as ech one of them was able to lead and gouerne a vvhole army, and yet among al thes expenses

King Da-
uides vi-
ctoires.

2. Reg. 8.

1. Paral. 18

2. Reg. 23
Ioseph. 1.7
antiq. c. 10

expenses of vvarres had he care to lay vp so much money and treasure as vvas sufficient for the buylding of that huge and vvonderful temple after him, which he recommended to his sonne Salamon, and amiddest al this valor and couradge of so vvarlyke a king and Captayne, had he so much humility as to humble himselfe to Nathan the Prophet vvhen he came to rebuke him for his fault, and so much patience and charity as to pardon *Semei* that reuyled him and threw stones at him in the high way as he vvent, and among so many and continual busineses, both martial and ciuil, & great affaires of the common vvealth, he had tyme to write so many Psalmes as we see, and to sing prayeses seuen tymes, a day to almighty God, and to feel that deuotion at his death which we read of, & finally he so liued and so dyed, as neuer Prince (I thinke) before him nor perhapps after hym so ioyned together both valor and vertue courage and humility, vvifdom and piety, gouernment and deuotion, nobility and religiō. Wherefore though I haue bin somewhat longer then I would in this example, yet hath it not bin from the purpose to note somewhat in particular vvhat two vvorthy kings vvere put vp by God in place of tvvo other by him depriued & deposed.

2.Reg. 7.

His humi-
lity chari-
ty and de-
uotion.

And now if we vvil, leaue the Hebrues and returne to the Romans, of vvhom vve spake before, we shal find diuers things notable in that state also, to the purpose vve haue in hand.

Kings put
doun;
among
the romas
& vvhat
successors
they had.

Malicar l.
1.

For before I tould you how that Romulus their first king hauing by litle and litle declined into tyranny, he was slayne and cut in peeces by the senate (which at that tyme conteyned a hundred in number) and in his place was chosen *Numa Pompilius* the notablest king that euer they had, who prescribed al their order of religion and manner of sacrifices, imitating therein and in diuers other poyntes, the rites and ceremonies of the Iewes, as Tertulian and other fathers do note he began also the buylding of their Capitol, added the two monethes of Ianuary and February to the yeare and did other such notable things for that common wealth.

Tertul. li.
de pra-
scrip. con-
tra haeres.
Iustin.
martyr
apolog.

Tit. lii. li.
1. dec. 1.
Eurrop. 1.
1.

Agayne when Tarquinius the proud ther seventh and last king, was expelled by the same senate, for his euell gouernment, and the whole manner of gouernment chainged, as before hath bin touched, we see the successe vvas prosperous, for that not only no hurt came therby to the common vvealth, but exceeding much good, seing their gouernment and increase of Empire vvas so prosperous vnder their consuls for many yeates in such sort, that wheras at the end of their kings gouernment, they had but fiftene myles territory without their cytie, it is knowne, that when their consuls gouernment ended and vvas chainged by Iulius Cæsar, their territory reached more then fiftene thousand myles in cōpasse, for that they had not only al Europe vnder ther dominion, but the principal partes also of Asia and Africa, so as this chastif-
ment

ment so iustly layd vppon their kings vvas profitable and beneficial to their common wealthe also.

Moreouer vwhen Iulius Cæsar vppon particular ambition had brokē al law both humane and diuine, and taken al gouernment in to his owne hands alone, he was in reuenge hereof, Cæsar Augustus. slayne as the vworld knoweth, by tenators in the senate-house: and *Octavianus Augustus* preferred in his roome, vwho proued aftervwards Dion in Cæsa. Sueton in Cæsa. the most famous Emperor that euer vvas.

I might note here also how Nero sixth Emperor of Rome vwhich succeded lawfully his vnckle *Cludius* in the Empire, and being afterward deposed and sentenced to death by the senate for his wicked gouernment (which was the first iudicial sentence that euer the senate gaue agaynst Emperor) albeit peace insued not presently, but that *Galba Otho* and *Vitellius*, three Nero Vespasian. great Captaynes of the Empire made some litle enterludes of tragical killing of one the other, yet with-in few monethes the whole Empire by that meanes fel vppon *Vespasian* and his sonne *Titus*, two of the best gouernors that thos tymes euer saw. Cornel. Tacit. lib. 20. & 21. Egeſip. l. 5

The like might be noted of the noble ranck of siue excellent good Emperors, to wit, *Nerua*, *Traian Adrian*, *Antoninus Pius*, and *Marcus Aurclius*, Eutrop. in vita Cæsa. that ensued in the empire by the iust death of cruel *Domitian*, which execution the senate is thought in secret to haue procured, (being not able to performe it openly by iustice) which

vvas seen by that, that when the act vvas done, the senate did presently by publique decree allow of the same, and disanulled al his barbarous actes for their exceeding cruelty, and commaunded his armes and memories to be pulled downe euery vvhere, and chose for his successor, one *Coccenis Nerva*, an Italian, a man of excellent vertue, by whom they enioyed not only the most prosperous tyme of his gouernment, but of al thos other fower before named that ensued him no lesse worthy then himselfe.

Not long after, the succession of thes excellent good Emperors, ther came to the crowne by lawful discent of blood, a youth named *Antoninus Heliogabolus*, sonne of the Emperor *Antoninus Caracalla*, and nephew to the most famous and noble Emperor *Septimius Seuerus* that dyed in England. Which youth as he vvas greatly loued and honored a great while for so worthy a grand father: so aftervvards for his owne most beastly life and foule actions, he was deprived and put to death by the souldiars of Rome, at the request & common desire both of the people and senate, vvhen he had reigned six yeares, and yet vvas but twenty yeares of age, when he vvas put downe and his death & deprivation was approued by publique acte of the senate, who ordeyned also in his detestatiō, that neuer Emperor after him shonld be called more *Antoninus* & so it was obserued, though no other name had euer bin more gratful before, to the vvorld for the remembrance of the good

Heliogabolus.

An. Dñi
124.

Alius lāp.
in vita
Heliog.

good Emperors, that had bin so called.

This man being chastized as is said, ther was preferred to the Empire in his roome a goodly Alexāder Seuerus. yong man, of his next kynred named *Alexander Seuerus*, sonne to *Mamonea* which was sister to *Heliogabolus* his mother, and being admitted by common consent, both of the senate people Herod. in vit. seueri. and army, he proued one of the most rarest Princes for his valor and vertue, that euer the roman Empire hath had, so as the worthines of *Seuerus* semed to recōpence fully the wickednes of *Heliogabolus*.

I might name, diuers other such examples & among the rest that of *Maxentius*, who being Maxētiū Constantin. lawfully possessed of the Empire in Rome, as it seemed (for that he was sonne to *Maximinianus* the Emperor that reigned vvith *Diocletian*) yet for his tyrannous gouernment that was intolerable, it is supposed that the senate (not being able to match him in open strenght) sent priny into Ingland & France, to inuite *Constantin* to come, and do iustice vppon him, and so he did, and he being drowned in the riuer of *Tiber* *Cōstantin* surnamed afterward the great succeded in the Empire, and was the man that al men know, and the first Emperor that publicly professed himselfe a Christian and planted our faith ouer al the world & this of the romane Empyre.

And yf vve wil come lower downe, & neerer home, vve haue yet an other example, more markable perhaps then al the rest, which vvas

The change of the
east empire
re.

Charles
the great
re.

An. 800.

the change of the Empire from the East to the west, for the euel gouernment of Constantin the sixth, vvho was deposed first and his eyes put, out by his owne mother Irene, and the Empire vsurped by her, but being not able to rule it in such order as was needful, for so great a monarchy (though otherwise she were one of the rarest women for valor and vvisdome that euer the world had) she vvvas depriued therof by the sentence of Leo the third, pope of Rome, and by consent of al the people and senat of that citie, and Charles king of France and of Germany (surnamed afterward the great) vvvas crowned Emperor of the vvvest, and so hath that succession remayned vnto this day, and many worthy men haue succeeded therein, & infinite actes of iurisdiction haue bin exerisied by this authority which were al vniust and tyrannical, if this change of the Empire, and deposition of Irene and her sonne for ther euel gouernment had not bin lawfvl.

It vvvere to long to runne ouer al other kingdoms, yer some I shal touch in such poynts as are most notorious.

Two
changes in
France.

Belfor. l. 1

Girard. l. 3

Æmil l. 2

Clem.

Baudin.

en la chro

nique des

Roys de

France.

The two famous chāges that haue bin made of the royal lyne in France, the first from the race of Pharamond and Clodoueus to the lyne of pepin, and the second from the race of Pepin agayne to the lyne of *Hugo Capetus*, that endureth vnto this day, vvher on are they founded, bnt vppon the iudicial chastisement and deposition of two euel Princes, the first of Chileric the third

the third lawful king of France, who after tenn yeares that he had reigned vvas depofed, by Zaccharie the pope at the request of the vvhole nobility and cleargie of France, or rather his depriuation vvas by them, and confirmed by the pope, to whom they alleaged this reason for their doing in that behalfe, as Girard putteth it downe in both his French Cronicles, I meane the large and the abbreuiation, to vvrit, that their oth to Childeric was to honor ferue obey, maynteyne and defend him agaynst al men, as long as he vvas iust, religious, valiant, clement, and vvould resist the enemies of the crowne, punish the wicked and conserue the good, and defend the Christian fayth. And for as much as thes promises (said they) vv ere con- ditional, they ought not to hold or binde longer, then that they were reciprocally obserued, on both partes, which seing they were not, on the part of Childric, they would not be any longer his subiects, and so desired Zacharias to absolue them, from their othes, which he did, and by this meanes Childric vvas depofed, and put into a monastery, wher he dyed, and in his place Pepin vvas chosen and crowned king, vv hos posteritie reigned for many years after, hym, and were such noble kings as al the world can testifie.

Reasons
of depri-
uation.

And so continued this race of Pepin in the royal throne for almost two hundreth yeares together vntil Hugo Capetus, vv ho was put into the same throne by the same authority of the com- Hugo Ca
pet, anno
988.

the common vvealth, and Charles of Lorayne last of the race of Pepin, for the euell satisfaction which the French nation had of him was put by it, and kept prisoner during his life in the castle of Orleance. And thus much do affirme al the French Historyes, and do attribute to the changes, the prosperity and greatnes of their present kingdome and monarchy, & thus much for France, wher many other examples might be alleaged, as of king Lewis the third, surnamed *Faineant*, For that he was vnprofitable, and of Charles surnamed *Le gros*, that succeded him both of them deposed by the states of France, and other the lyke, of vvhom I shall haue occasion to speake afterwards, to an other purpose.

Examples
of Spayne

Concil
Tolet. 4.
cap. 4.
Ambros. 2
moral. 1. 11
cap. 17.

Isidor. in
Hist. hispan.

But now if you please, let vs stepp ouer the pirenian mountaines, and looke into Spayne, vvhether ther wil not faile vs, also diuers examples both before the opression of that realme by the moores, as also after: For that before, to wit about the yeare of Christ 630. we reade of a lawfull king named *Elauo Suintila* put downe and deprived, bothe he and his posterity in the fourth council national of Toledo, and one *Sisinando* confirmed in his place, notwithstanding that *Suintila* were at the beginning of his raigne a very good king, and much commended by *S. Isidorus* Archbishop of *Siuil*, who yet in the said council was the first man that subscribed to his deprivation.

After the entrance of the moores also, when
Spayne

Spayne vvas reduced agayne, to the order & gouernment of Spanishe kings, vve read that about the yeare of Christ 1282. one *Don Alonso* the eleuenth of that name, king of Castile, & Leon, succeeded his father *Fernando* surnamed the saint, and himselfe obteyned the surname of *Sabio* and *Astrologo* that is to say, of wise and of an Astrologer, for his excellent learning & peculiar skil in that arte, as may vvel appeare by the Astronomy tables that at this day go vnder his name, which are the most prefect and exact that euer vvere set forth by iudgment of the learned.

Estuan de Garibay. l. 13 de la hist. de Espa. c. 15.

Tabulæ Astron. Alfonsi. n.

This man, for his euell gouernment and especially for tyranny vsed towards two nephews of his, as the spanishe Chronicler *Garaúay* writeth, vvas depofed of his kingdome by a publique acte of parlament in the towne of *Valliodolid*, after he had reigned 30. yeares, and his owne sonne *Don Sancho* the fourth, vvas crowned in his place, vwho for his valiant actes, was surnamed *el brauo*, and it turned to great commodity of the common wealth.

King Don Alonso depofed.

The same common vvealth of Spayne some yeares after, to wit about the yeare of Christ 1368. hauing to their king one *Don Pedro*, surnamed the cruel, for his iniurious proceeding with his subiects, though, otherwise he were lawfully seased also of the crowne, as sonne and heyre to king *Don Alonso* the twelfth, and had reigned among them 18. yeares, yet for his euell gouernment they resolved to depofe him, and so sent for

Don Pedro cruel depofed.

Garibay
l. 14. c. 40.
41.

sent for a bastard brother of his, named Henry that liued in France requesting him that he would come with some force of frenchmen to assist them, in that acte, and take the crowne vppon him self, which he did, and by the help of the Spaniards and Fréch souldiars, he draue the said Peter out of Spaine, and himselve vvas crowned. And albeit Edward surnamed the black Prince of England, by order of his father king Edward the third restored once agayne the said Peter, yet vvas it not durable, for that Henry hauing the fauour of the Spaniards returned agayne and deprived Peter the second tyme, and slew him in fight hand to had, which made shew of more particuler fauour of God in this behalfe to Henry, and so he remayned king of Spayne as doth also his progenie inioye the same vnto this day, though by nature he vvas a bastard as had bin said, and notwithstanding that king Peter left two daughters vvhich vvere led away into England and ther maryed to great Princes.

And this king Henry so put vp in his place vvas called king Henry the secōd of this name, and proued a most excellent king, and for his great nobility in conuersation, and prouesse in chivalry, vvas called by excellency, *El cauallero* the knightly king, and for his exceeding benig- nity and liberality, vvas surnamed alto, *el delas mercedes*, which is to say, the king that gaue many giftes, or the liberal franck, and bounteful king, which was a great change from the other
surnamed

surnamed cruel, that king Peter had before; & so you see that alwayes I gyue you a good king in place of the bad deposed.

In Portugal also before I goe out of Spayne, In Portu- gal. I wil alleage you one example more, which is of *Don Sancho* the second, surnamed *Capelo*, fourth king of Portugal, lawfull sonne and heyre vnto *Don Alonso* surnamed *el Garde*, who was third king of Portugal. This *Don Sancho*, after he had King D^e Sancho 2. deposed. reigned 34. yeares was deposed for his defects in gouernment by the vniuersal consent of all Portugal, & this his first deprivation from all Garibay lib. 4. de hist. Portu- g. c. 19. kingly rule and authority (leauing him only the bare name of king) was approved by a general counsell in Lyons, pope Innocentius the 4. being ther present, who at the petition & instance of the whole realme, of Portugal by their Embassadors the Archbishop of *Braga*, bishop of *Comibra* and diuers of the nobility sent to Lyons for that purpose, did authorize the saide state of Portugal, to put in supreme gouernment one, *Don Alonso* brother to the said king *Don Sancho*, who was at that tyme, Earle of bullen in Picardy, by right of his wife, and so the Portugales did, & further also a lytle after they deposed their said king, and did driue him out of his realme into Castilla, wher he liued all the rest of his life in banishment, and dyed in Toledo without euer returning, and this decree of the counsell and Pope at Lyons, for authorizing of this fact, is yet extant in our Canon law, in Lib. 6. decret. tit. 6. de supplē da cap. Grand. 1. the sixt booke of *Decretals* now in prynt. And
this king

Garibay
in hist. de
Portug. li.
34. cap. 20
& 21.

this king *Don Alonso*, the third vvhich in this sort was put vp, against his brother was peaceably & prosperously king, of Portugal, al the dayes of his lyfe & he, was a notable king, & amōg other great exployres, he vvas the first that set Portugal free from al subiection dependence and homage to the kingdome of Castile, vvhich vnto his tyme it had acknowledged and he left for his successor his sonne, and heyre, *Don Dionysio el Fabricador*, to wit the great buylder, for that he buylded and founded aboue forty and foure great townes in portugal, and was a most rare Prince and his offspring ruleth in Portugal vnto this day.

The Em-
perors of
Greece.

Glicas in
Annal.
part. 4.
Zon. An-
nal co. 3.
in vita
Michael
Calapha.

Infinite other examples could I alleage if I would examyne the lyues and discentes of thes and other kingdomes with their Princes, and namely if I would speake of the Greeke Emperors, deprived for their euell gouernment, not so much by populer mutyny (which often happened among them) as by consent and graue deliberation of the whole state and weal publique, as *Michael Calaphates*, for that he had troden the Crosse of Christ vnder his feete, and was otherwise also a wicked man, as also the Emperor *Nicephorus Botoniates*, for his dissolute life and preferring wicked men to authority, and the like, wherof I might name many, but it would be to longe.

In Polo-
nia.

What should I name heere, the deposition made of Princes, in our dayes, by other commō wealthes, as in Polonia, of Henry the third that was last

was last king of France, & before that had bin
 sworne king of Polonia, of which crowne of
 Polonia, he vvas depriued by publique acte of
 parlement, for his departing thence vvithout
 licence, and not returning at his day by the said
 state appoynted and deuounced by publique
 lettres of peremptory commaundedmēt, which
 are yet extant.

In literis
 reip. Polō.
 ad Henr.
 Valefium
 pag. 182.
 184.
 Vide Ga-
 gneum
 part. 1. de
 rebus Po-
 lon.
 In Suetia.

What should I name the depriuations of
 Henry late king of *Suetia*, vvho being lawful
 successor and lawfully in possession after his fa-
 ther, *Gustanus* vvas yet put downe by that com-
 mon vvealth and depriued, and his brother ma-
 de king in his place vvho if you remember was
 in England in the beginning of this Queenes
 reigne, & whose sonne reygneeth at this day &
 is king also of Polonia, and this fact was not
 only allowed of at home by al the states of that
 countrey, but also a broad, as namely of Maxi-
 milian the Emperor, and approned also by the
 king of Denmarke, and by al the Princes of
 Germany neere about that realme, vvho saw the
 resonable causes vvich that common wealth
 had to proceed as it did.

Roilin. 1.
 32. histor.
 de Franc.
 An. 1568.

And a litle before that, the like was practised
 also in Denmarke agaynst *Cisternus* ther lawful
 king if we respect his discent in blood, for he
 vvas sonne to king Iohn that reigned a fore
 him, and crowned in his fathers life, but yet af-
 terwards for his intolerable cruelty, he vvas
 depriued and driuen into banishment, together
 vvith his vvife and three children, al vvich

In Den-
 marke.

Sleydan.

l. 4. hist.

An. 1532.

Munst. l. 3

Cosmo-

gra. in

descript.

Dauid.

Paulus Io

nius in vi-

ris illust.

were disinherited & his vncle *Frederik* Prince of *Holsatia*, vvas chosen king, whos progeni yet remayneth in the crowne, & the other, though he were married to the sister of Charles the fifth last Emperor of that name, and vvere of kyn also to king Henry the eight of England, yet could he neuer get to be restored, but passed his tyme miserably, partly in banishment and partly in prison vntil he dyed.

Examples
of En-
gland.

But it shalbe best perhapps to ende this narration with an example or two out of England it selfe, for that no where els haue I read more markable accidents, tonching this poynt, then in England, and for breuity sake I shal touch only two or three happened since the cōquest, for that I wil go no higher though I might, as appeareth by the exāple of K. Edwin & others nether vvil I beginne to stand much vppon the example of king Iohn, though wel also I might, for that by his cruel gouernment he made himselfe both so odious at home & contemptible abroade (hauing lost Normandy Gascony Guyenne, and al the rest in effect which the crowne of England had in France) as first of al he vvas both excommunicated and deposed by sentence of the pope at the sute of his owne people, and vvas inforced to make his peace by resigning his crowne into the handes of Pandulfe the popes legate as Polidor recounteth and afterwards faling back agayne to his old defects and naughtie gouernment, albeit by his promise to the pope, to go and make warr
against

King Iho
deposed.

Polid.

hist. Ang.

l. 15.

An. 1212.

against the Turkes if he might be quiet at home, and that his kyngdome should be perpetually tributary to the sea of Rome, he procured him to be of his side for a tyme, and against the Barōs: yet that stayed not them to proceed to his depriuation which they did effectuate, first at Canterbury and after at London, in the eighteenth & last yeare of king Iohns reigne, An. 1216. and meant also to haue disinherited his sonne Henry, which vvas afterward named king Henry the third, and at that tyme a childe of eight yeares old only: and al this in punishment of the father, yf he had liued, and for that cause they called into Ingland *Lodowick* the Prince of France sonne to king Philip the second, and father to Saynt Lewis the nynth, and chose him for their king and did sweare him fealtye with general consent in London the yeare of our Lord 1216. An. 1216. And but that the death of king Iohn that presently ensued, altered the vvhole course of that designment, and moued them to turne their purposes and accept of his sonne Henry before matters were fully establisshed for king Lodowick: it vvas most likely that France and Ingland would haue bin ioyned by thes meanes vnder one crowne.

But in the end as I haue said king Henry the third vvas admitted and he proued a very worthe king after so euell as had gon before him, and had bin deposed (which is a circumstance that you must alwayes note in this narration) and he reigned more yeares then euer king in

King Henry the thirde.

England did before or after him, for he reigned
 full 53. yeares, & left his sonne & heyre Edward
 the first not inferior to himselfe in manhode &
 vertue vvhich reigned 34. yeares and left a sonne
 named Edward the second, vvhich falling into
 the same defects of gouernment or worse, then
 king Iohn his great grandfather had donne, was
 after 19. yeares reigne deposed also by act of
 parliament holden at London the yeare 1326. &
 his body adiudged to perpetual prison, in
 which he was at that present in the castle of
 vvallingford, vvhether diuers both bishops
 Loides & knights of the Parliament were sent
 vnto him to denounce the sentence of the real-
 me agaynst him, to wit, how they had deprived
 him, and chosen Edward his sonne in his place,
 for vvhich act of choosing his sonne, he than-
 ked them hartely and vwith many teares, ac-
 knowledged his owne vnwoorthines, wherup-
 pon he was digraded, his name of king first
 taken from him, and he appoynted to be called
 Edward of Carnaruan from that howre forward.
 and then his crowne and ring were taken away,
 and the steward of his house brake the stafe of
 his office in his presence, and discharged his
 seruants of their seruice, and al other people of
 ther obedience or allegiance toward him: and
 towardes his mayntenance he had only a hun-
 dreth markes a yeare allowed for his expences,
 and then was he delyuered also into the hands
 of certayne parriculer keepers, vvhich led him
 prisoner from thence by diuers other places
 vsing

King
 Edward
 the second
 deposed.

Polyd. l.
 18. hist.
 Anglica-
 na. Anno
 1326.

Stovv. in
 the life of
 King
 Edward
 the 2.

The man-
 ner of de-
 primatiō
 of a king.

See Stovv.
 and hol-
 lings in
 this mans
 life.

vsing him with extreme indignity in the way,
 vntil at last they tooke his life from him in the
 castle of Barkley, and his sonne Edward the ^{King}
 third reigned in his place, who if we respect ^{Edvard}
 eyther valor, prowesse, length of reigne, acts of ^{the third.}
 cheualry, or the multitude of famous Princes
 his children left behinde him, vvas one of the
 noblest kinges that euer Inglað had, though he
 were chosen in the place of a very euel one as
 you haue seen.

But vvhat shal we say? is this worthines
 vvwhich God giueth commōly to the successors
 at thes changes, perpetual or certayne by discēt?
 no truly: nor the example of one Princes pu-
 nishment maketh an other to beware, for the
 next successor after this noble Edward vvwhich
 vvas king Richard the second, though he were
 not his sonne, but his sonnes sonne, to wit son-
 ne and heyre to the excellent and renounced
 black Prince of vvailes, this Richard (I say) for-
 getting the miserable end of his great grand fa- ^{King Ri-}
 ther for euel gouernment, as also the felicity, and ^{chard 2. 1}
 vertue of his father and grand father: for the ^{deposed.}
 contrary, suffered himselfe to be abused and
 misled by euel counsellors, to the great hurte
 & disquietnes of the realme. For vvwhich cause
 after he had raigned 22. yeares he was also
 deposed, by act of parlamāt holden in London,
 the yeare of our Lord 1399. and condemned ^{Polyd. 1.}
 to perpetual prison in the castel of Pomfret ^{20. hist.}
 vvher he was soone after put to death also and ^{Aug. 1359}
 vsed as the other before had bin, and in this

mānes place by free electiō was chosen for king the noble knight Henry Duke of Lācaster who proued afterwards so notable a king as the world knowerh, and vvas father to king Henry the fifth surnamed commonly the Alexander of Ingland, for that as Alexander the great conquered the most parte of Asia in the space of 9. or 10. yeares so did this Henry conquere France in lesse then the like tyme.

King Henry the 6. deposed.

Polyd. lib. 23. histor. Anglic.

I might recon also in this number of Princes deposed for defect in gouernēt (though otherwise he vvere no euell man in lyfe) this king Henry the fourths nephew I meane king Henry the sixt vvho after almost forty yeares reigne vvas deposed, and imprisoned and put to death also, together vvith his sonne the Prince of wales, by Edward the fourth of the howse of yorke, & the same was confirmed by the commons and especially by the people of London, and afterwards also by publique act of parliament, in respect not only of the title which king Edward pretended, but also and especially for that king Henry did suffer himselfe to be ouerruled by the Queene his wife, and had broken the articles of agreement, made by the parliament, betwene him and the Duke of Yorke and solemnly sworē on both sides, the 8. of Octob. in the yeare 1459. In punishment vvherof and of his other negligent and euell gouernēt, (though for his owne particuler life he vvas a good man as hath bin said) sentence was giuen agaynst him, partly by force and partly by law, and

and king Edward the fourth vvas put in his place, who was no euell king as al Inglish men vvel know, but one of the renoumedst for martial actes and iustice that hath worne the Inglish crowne.

But after this man agayne, ther fel an other ^{King Ri-} accident much more notorious, vvhich was, ^{chard 3.} that Richard Duke of Glocester, this king ^{deposed.} Edwards yonger brother, did put to death his two nephewes, this mans children, to vvit, king Edward the fifth and his litle brother, & made him selfe king, and albeit he synned greuouly by taking vppon him the crowne in this wicked manner yet when his nephewes were once dead, he might in reason seeme to be lawful king, both in respect that he was the next male in blood after his said brother, as also for that by diuers acts of parlament, both before and after the death of thos infantes, his title vvas authorized and made good, and yet no man vvil say (I thinke) but that he vvas lawfully also deposed, agayne afterward, by the cōmō wealth, which called out of France, Henry Earle of ^{An. 1437.} Richmond to chastise him, and to put him downe, and so he did, and tooke from him both life and kingdome in the fielde, and vvas king him selfe after him by the name of king Henry the seuenth, and no man I suppose, vvil say but that he vvas lawfully king also, vvhich yet cannot be, except the other might lawfully be deposed, & moreouer as I sayd at the, beginning, I vvould haue you consider in al thes mutations,

A point
much to
be noted.

what men commonly haue succeeded in the places of such as haue bin depofed, as namely in England, in the place of thos five Kings before named that vvere depriued, to wit, Iohn, Edward the second, Richard the second, Henry the fixt, and Richard the third, ther haue succeeded the three Henryes, to wit, the third, fourth, and feuenth, & two Edwards, the third and fourth, al most rare & valiant Princes, who haue donne infinit important acts in their common vvealthes, and among other, haue rayfed many houses to nobility, put downe others, changed states both abroad and at home, distributed ecclesiastical dignities, altred the course of difcent in the blood royal, and the like, al which was iniust, and is voyd at this day if the chainges and depriuations of the former Princes could not be made, and consequently none of thes that do pretende the crowne of England, at this day, can haue any title at al, for that from thos men they difcende vwho were put vp in place of the depriued.

And this may be sufficient for prooffe of the two principal poynts, which you required to be discuffed in the beginning of this fpech, to wit, that lawful Princes haue oftentimes by their common wealthes bin lawfully depofed, for misgouerment, and that God hath allowed and affifted the same, with good fuccesse vnto the weal publique, and if this be fo, or might be fo, in kings lawfully fet in poffeffion, then much more hath the said common wealth power & authority

authority to alter the succession of such as do but yet pretend to that dignity, if ther be dew reason and causes for the same, which is the head poynt that first we began to treat of saide the Ciuilian, and with this ended his speech without saying any more.

VVHERIN CONSISTETH PRINCIPALLY THE LAVFVL- NES OF PROCEEDING AGAYNST Princes which in the former chapter is mentioned: What

*interest Princes haue in their subiects goods or liues,
how othes doth binde or may be broken by sub-
iects towards Princes, and finally the dif-
ference betwene a good king and
a Tirant.*

CHAP. IIII.

VVHEN the Ciuilian had ended his speech, the temporal lawyer looked vppon the stāders by, to see whether any would reply or no, and perceauing al to hold ther peace, he began to say in this māner: Truly Syr I cannot deny, but the examples are many that you haue alleaged, and they seme to prone sufficiently that which you affirmed, at the beginning, to wit, that the Princes by you named, were deprived, and put downe by their common vwealthes for ther euell gouernment. And good successors commonly rayfed vp in their places, and that the common wealth had au-

*Thereply
of the tē-
poral la-
wyer.*

thority also to do it I do not greatly doubt, at least wise, they did it, *de facto*, and now to call thes factes in question, were to embroyle and turne vp-side-downe al the states of Christendom, as you haue wel signified, but yet for that you haue added this vvord lawfully so many tymes, in the course of your narration, I vvould you tooke the payne to tel vs also, by vvhat law, they did the same, seing that *Belloy* whom you haue named before, and some other of his opinion do affirme, that albeit by nature the common vvealth haue authority ouer the Prince, to chuse and appoynt him, at the beginning, as you haue vvell proued out of Aristotle and other vvayes: yet hauing once made him, and giuen vp al their authority vnto him, he is now no more subiect to ther correction, or restraynt, but remayneth absolute of himselfe without respect to any, but only to god alone. vvhich they proue by the example of euery particuler man, that hath authority to make his Master or Prince, of his inferior, but not afterwards to put him downe agayne, or to deprive him of the authority vvhich he gaue him, though he should not beare himselfe vvell and gratefully, but discourteous rather & iniuriously towards him thar gaue him first this authority.

Belloy
apolog.
catholic.
part. 2.
paragraf.
9. & apol.
pro rege.
cap. 9.

An obiection out of the prophet Samuel.

To which also they do alleage the speech of the prophet *Samuel*, in the first booke of the kings, vvher the people of Israel demaunded to haue a king to gouerne ouer them, as other nations round about them had, and to leaue the go-

the gouernment of the high Prieste vnder whom at that day they were. At which demaund both God himselfe and Samuel vvere greuously offended, and Samuel by Gods expresse order, protested vnto them in this manner, *Wel (quoth he) you wil haue a king, harken then to this that I wil say. Hoc erit ius regis, qui imperaturus est vobis, this* I shalbe the right and power of the king that shal rule ouer you, to vvit, he shal take frō you your children both sonnes and daughters, your fieldes & vinyards, your haruest also and rents, your seruants, handmaydes, & heards of catle, and shal giue them to his seruants and you shal cry vnto God in that day, from the face of this your king, whom you haue chosen, and God shal not heare you, for that you haue demaunded a king to gouerne you, thus far the Prophet.

1.Reg.8.

The Power of a King or rather of a Tirant.

Out of al vvchich discourse and spech of the Prophet, thes men do gather, that a king is nothing so restrayned in his power or limited to law as you haue affirmed, but rather that his law is his own vvil, as by thes vvordes of the Prophet may appeare, and much lesse may the common vvealth chastice or depriue him for exceeding the limites of law, or doing his vvil, seing that here in this place, God doth foretel that Princes oftentimes shal commit excesses and iniuries, and yet doth he not therfore wil, them to chasten or depose them, for the same but rather insinuateth that they must take it patiently, for their sinnes, and cry to God for remedy

medy and perseuer therein though he do not at the first harken to them, or grant their redresse, hitherto the temporal lavvyer.

Wherunto answered the Ciuilian, that he confessed that Belloy & other his companions that vvrote in flattery of Princes in thes our dayes, did not only affirme thes things, that the temporal lawyer had alleaged, *and that Princes were lawlesse and subiect to no accompt, reason, or correction, whatsoeuer they did, but also (vvhich is yet more absurd and pernicious to al common vvealthes) that al goods, chattels, possessions and whatsoeuer els commodities temporal, of the common wealth, are properly the kings, and that their subiects haue only the vse therof, without any propriety at al, so as when the king wil, he may take it from them by right, vvithout iniustice or iniury, vvhich assertions do ouerthrow wholly the very nature & substance of a common vvealth, it selfe.*

For first to say that a king is subiect to no law or limitation at al, but may do vvhat he wil, is against al that I haue alleaged before of the very institution of a commō vvealth, which vvas to liue together in iustice and order, & as I shewed out of Cicero speaking of the first kings, *Iustitie fruenda causa bene morati Reges olim sunt constituti.* For enioying of Iustice were kings appointed in old tyme that vv ere of good life, but if they be bound to no iustice at al, but must be borne and obeyed, be they neuer so wicked, then is this end and butte of the common wealth, & of al royal authority, vtterly frustrat:

then

Belloy a-
polog.
part. 2. pa
rag. 7. &
Apol. pro
rege c. 6.
& 24. &
26.

Great ab-
surdities
and flate-
ries.

Cic lib. 2.
offic.

then may vve set vp publique murderours rauenishers theeves and spoylers to deuowre vs in steed of kings, and gouernours to defend vs, for such in deede are kings that follow no law, but passion and sensualitie, and do commit iniustice, by their publique authority, & then finally, vvere al thos kings before mentioned both of the Iewes, gentiles, and christians vnlawfully deprived, and ther successors vnlawfully put vp in their places, and consequently al Princes liuing in Christianity at this day, who are descended of them, are intruders and no lawful Princes.

By the second laying also, that al temporalities are properly the Princes, and that subiects haue only the vse therof without any interest of their owne, no lesse absurdities do follow, then of the former assertion, for that first, it is against the very first principle and foudation of our ciuill law, which at the first entrance and beginning maketh this diuision of goods, *that some are common by nature to al men, as the ayer the sea and the like, other are publique to al of one citty or country, but yet not common to al in general, as riuers portes and other such: some are of the community of a citty or common wealth, but yet not common to euery particuler person of that citty, as common rents, theaters, the publique house, and the like: some are of none nor properly of any mans goods, as churches and sacred things, & some are proper to particuler men, as thos which euery man possesseth of his owne, which diuision, of Iustinian the Emperor and his most learned*

An other
absurdity.

Institut.
imperial
l.2. Tit. 1.

Diuision
of goods
by ciuill
law.

learned

learned lavvyers is not good, if the Prince be Lord proprietarie of al: nay he that made this diuision, being Emperor, did great iniury also to himselfe, in assigning that to others, which by the opinion of Belloy and his fellowes vvas properly & truly his owne, in that he was Emperor and Lord of the vworld.

Slaves &
freemen.

Arist. lib.
1. polit. c.
4. & 5.

Arist. li. 1.
cap. 3.

Marke
this rea-
son.

Besides al this, so absurd a saying is this, as it overthroweth the whole nature of a common wealth it selfe, and maketh al subiects to be but very slaves: For that slaves and bondmen, as Aristotle sayeth in this do differ from freemen, that slaves haue only the vse of things vvithout property or interest, and cannot acquire or gett to themselves any dominion or true right in any thing, for that what soeuer they do gett, it accreweth to their master, & not to theselues, and for that the condition of an ox or an asse, is the very same in respect of a poore man, that hath no slave, for that the ox or asse getteth nothing to himselfe, but only to his master, and can be lord of nothing of that for which he laboreth: for this cause, wittely also sayed Aristotle, that *bos aut asinus pauperi agricola pro seruo est*. An ox or an asse, is to a poore husbandman in steed of a bondman, and so seing that Belloy wil needes haue the state and condicion of al subiects to be like vnto this in respect of their Prince, and that they haue nothing in propriety, but only the vse, and that al dominion is properly the Princes: vvhat doth the other then make al subiects not only slaves but also

but also oxen and asses, and *pecora campi*.

Last of al (for I vvill not ouerlode you vvith reasons in a matter so euident) if al subiects goods be properly the kings, why then vvvas Achab and Iezabel king and Queene of Israel, so reprehended by Elias & so punished by god, for taking away Naboths vineyard? seing they tooke but that vvwhich was ther owne? nay why vvvas not Naboth accused of iniquity rebellion and treason, for that he did not yeald vp presently his vineyard, when his Princes, demaunded the same, seing it vvvas not his, but thers? why do the kings of England France and Spayne, aske money of their subiects in parlaments, if they might take it as ther owne? why are thos contributions termed by the names of subsidies, helpes, beneuolences, lones, prests, contributions, and the like, if al be dew and not voluntary of the subiects parte? How haue parlaments oftentimes denied to their Princes such helpes of money, as they demaunded? Why are their iudges appoynted to determyne matter, of sutes and pleas between the Prince and his subiects, if al be his and the subiect haue nothing of his owne? And last of al why doth the Canon Law, which is a part also of my profession, and receaued in most countries of the vvorld, so straightly inhibit al Princes vppon payne of excommunication, to impose new impositions & taxes, vppon ther people without great consideration and necessity, and free consent of the giuers, if al be the Princes and nothing of the subiects?

Diuers
euidēt
reasons
against
Belloy.

3. Reg. 21.

Cap. ino-
uamusio.
de causi-
bus & c.
super qui-
busdam
26. §. de
verborum
signif.

subject? nay whybe al Princes generally at this daye prohibited to alienat any thing of their owne crowne without consent of ther people, if they only be Lords of al, and the people haue interest in nothing?

The answer to the objection out of the prophet Samuel.

Arist. l. 5.
pol. c. 11.
Ioseph. l. 6
antiq. c. 4.

And hereby also vve may garther, what the Prophet Samuel meant, when he threatned the Iewes with the disorders of kings, that should raigne ouer them, not, that the disorders were lawful or appertayned to a righteous king, but that seing they refused to be vnder the moderate gouernment of their high priests, & other gouernors which God had given them hitherto, and required to be ruled by kings as other heathen nations of Egypt, Babilon, Syria, and Persia were, whos manner of gouernment, not only Historiographers, but Philosophers also, and Aristotle among the rest, doth note to haue bin very tyranical: yet for that the Iewes would needs haue that gouernment as a matter of more pompe and glory then that which hitherto they had had, Samuel did first insinuate vnto them, what extortion and wickednes thos heathen kings did vse commonly ouer ther people, in taking their childrē, seruants, wiues, goods, and the like from them, and that many kings of Israel should do the like, and take it for ther right and souerainty, and should oppress and tyrānise ouer them, and inforce them to cry out to God for helpe, and they should not find remedy, for that so heddyly they had demaunded this change of gouernment, which highly

highly displeased almighty God, and this is the true meaning of that place, if it be vvel considered, and not to authorize herby iniustice or wickednes in any king, seing the principal poynts recorded to al Princes & kings through out the whole course of scripture, are *diligere iudicium & iustitiam, apprehendere disciplinam, & facere veritatem*, that is to saye to loue iudgment and iustice to admit discipline & to execute truth, and this is the instruction that God gaue to the Iewes in *Deutronomy* for their kings when they should haue them, which God foretould many yeares before they had any, and this is the admonition that king Dauid left vnto his sonne and successor *Salomon*, at his death, and by him to al other kings and Princces, and for want of obseruing thes points of *iudgment, iustice, discipline, & truth*. vve see not only *Achab* and *Iezabel*. Before mentioned greuiously punished, but many other kings also by God himselfe, as *Achaz* *Manasses*, *Ioachim*, and the like, which had not bin iustice on Gods part so to punish them if it had bin lawful for them to vse that manner of proceeding towards their people, as thes good instructors of Princes in our dayes, most fondly and wickedly do affirme, and thus much for that place.

Deut. 17.
3. Reg. 2.
& 10.
Psal. 2.

But to the first point which you asked, by vvhath law the common wealthes that are mentioned in the former chapters, did punish their cruel Priuces: I haue answered you before, that it is by al law both diuine and humane: diuine,

By vvhath
law Prin-
ces are
punished

for that God doth approue that forme of gouernment which euery common vvealth doth chuse vnto it selfe, as also the conditions, statutes and limitations vvhich it selfe shal appoynt vnto her Princes, as largely before hath bin declared. And by al humane law also: for that al law both natural, national, and positieue, doth teach vs, that Princes are subiect to law & order, and that the common vvealth which gaue them ther authority for the commō good of al, may also restrayne or take the same away agayne, if they abuse it to the common euil.

The difference betwene a priuat mā & a common vvealth.

And vvhetheras thes men saye, that like as if a priuate man should make his inferior or equal to be his Prince, he could not after restrayne the same agayne, and so nether the commō wealth hauing once deliuered away her authority: I answere, first, that the comparison is not altogether like, for that a priuat man though he giue his voice to make a Prince, yet he being but one maketh not the Prince vvholy as the common vvealth doth, and therefore no maruaile though it lye not in a particuler mans hād to vnmake him agayne, besides this, a priuat man hauing giuē his voice to make his Prince, remayneth subiect and inferior to the same, but the vvhole body though it be gouerned by the Prince as by the head, yet is in not inferior but superior to the Prince, nether so giueth the common vvealth her authority and power vp to any Prince, that she depriueth her selfe vtterly of the same, vvhether neede shall require, to vse it

vse it for her defence, for vvhich shee gaue it.

And finally (which is the cheefest reason of al, & the very ground and foundation in deede of al kings authority among christians) the power and anthority vvhich the Prince hath from the common wealth is in very truth, not absolute, but *potestas vicaria or delegata*, as vve Ciui-
lians cal it, that is to say, a power delegate, or power by commissiō from the common wealth, which is giuen vvith such restrictions cautels and conditions, yea, vvith such playne exceptions, promises, and othes of both parties, (I meane betwene the king and common wealth at the day of his admission or coronation) as if the same be not kept, but vvilfully broken, on ether part, then is the other not bounde to obserue his promise nether, though neuer so solemnly made or sworne, for that in al bargaines, agreements and contracts, wher one parte is bound mutually and reciprocally to the other, by oth, vow, or condition, ther, if one side go from his promise, the other stādeth not obliged to performe his: and this is so notorious by al law, both of nature and nations, and so cōform to al reason and equity, that it is put among the very rules of both the Ciuil and cannon law, vvher it is said, *frustra fidem sibi quis postulat seruari ab eo, cui fidem à se prestitam seruare recusat.* He doth in vaine require promise to be kept vnto him at an other mans hands, to vvhom he refuseth to performe that which himselfe promised, and agayne. *Non abstringitur quis iuramen-*

The Prince
ces autho-
rity but
subdele-
gat.

In regulis
vtrique
iuris vide
in fine
sexti De-
cret. reg.
75. 69.

to ad implendum. quod iurauit, si ab alio parte non impletur, cuius respectu præbuit iuramentum. A man is not bound to performe that vvhich by oth he promised, if on the other part, that be not performed, in respect wherof this oth vvas made: as for example, if two should sweare the one to assist the other vppon the way, in al respects, & after falling vppon enemyes that vvere ether kynn or frēds to the one of them, & he should take ther part against his fellow, cleere it is, that the other vvere not bound to kepe his oth to- vwards that party, that hath so vvickedly broken it to him.

vvhē
an oth
bindeth
not.

Nay not only, in this case, that is so euident, and palpable by nature it selfe: but in many other also, is it both lawful honest and conuenient, to leaue some tymes the performance of our oth, as namely vvhē the fulfilling therof, should conteyne any notable hurt or inconuenience against religion, piety, justice, honesty, or the vveal publique, or against the party himselfe to whom it vvas made, as if a man had sworne to restore a sword to a madd or furious man, wher with it vvere likely he would destroy himselfe and others, and other like cases, which Cicero putterh downe in his first booke of offices, and deduceth them from the very ground of nature, and reason it selfe, & sayeth, that it were contrary to the dewty of a good or honest man, in such cases to performe his promise.

Cicero li.
1. offic.

A cleere
example.

Our diuines also do alledge the example of
Herod

Herod that had sworne to the daughter of Herodias, to giue hir vvhath he demaunded, vvhoh demaunding the head of S. Iohn Baptist, though Matth. 24 Herod were sory for the same, yet sayeth the text, *that for his othes sake he commaunded it to be performed*, which yet no man wil deny, but that it had bin far better left vnperformed, and the othe better broken then fulfilled, according to an other rule of the law, which sayeth, *In malis promissis fidem non expedit observari*, it is not expedient to keepe our promise in things euel promised.

Regul. 68.
in fine 6.
Decret.

And finally to this purpose, to vvitt, to determine how many wayes an oth taken may be lawfully broken, or not kept, ther is a vvhole title in the Cannon law, conteyning 36. chapters, wherein are set downe many and diuers most excellent, and euident cases, about the same determined by Gregorie the first, & other ancient Popes and Doctors, and in the second parte of the decretal ther is alleaged this sentence out of Isidorus, and establisshed for law. *In malis promissis rescinde fidem, in turpi voto muta decretum, impia enim promissio, quæ scelere impletur*, that is, in euel promises performe not your vvorde, in an vnlawful vow or oth, change your determination, for it is an impious promise, vvhich cannot be fulfilled, but with wickednes, and the very same matter is handled in the questiõ following which is the fyfth through-out 23. whole chapters together.

Decret.
Greg. 1. 2.
tit. 24.

Decret.
part. 2. cau
sa. 22.
quest. 4. c.
5. & qu. 5.
per totū.

So as, nothing is more largely handled in

our law both Ciuil and Canon, then this matter of promisses, and othes, how and vwhen, and why, and in vwhat cases, they should or bynde, and when not. Al which to apply it now vnto our matter of kings, that we haue in hande, we are to vnderstande that two euident cases are touched heer as you see, when a subiects oth or promise of obedience, may be left vnperformed towards his Prince: the first whē the Prince obserueth not at al his promise and oth made to the common wealth, at his admission or coronation, & the other when it should turne to the notable damage of the weale publique, (for whos only good the Princes office vvas ordeyned, as often before hath bin said and proued) if the subiect should keepe and performe his oth and promise made vnto his Prince.

And both thes cases are touched in the deprivation of Childerike the last king of France, of the first lynes of Pharamond, which was recounted in the former chapter, for that as *Faulus AEmilius, Belforest, Girard*, and other French stories do testify, the bishop of vvitfburg, that in the name of al the nobility and common wealth of France, made his speech to Zacharie the pope, for his deposition, and for the election of Pepin in his place, alleaged thes two reasons saying.

Truth it is, that the French haue sworne fidelity vnro Childerick, as to ther true and natural king, but yet vvith condition, that he on his part, should also performe the points that are in-

Two principal cases
vwhen
others
hold not
towards
a Prince.

*AEmil. l. 2.
hist. Frac.
Belfer in
vita Child-
erick Gir-
ard. lib. 3*

The speech
of the
French
Embassa-
dor for de-
privation
of their
king.

are incident to his office, which are, to defend,, the common vvealth, protect the church of,, christ, resist the vvicked, aduance the good and,, the like: and if he do this, then the French are,, redy to cōtinew ther obedience and allegiance,, vnto him: but if he be apt for none of thes,, things, nether fit, ether for a Captaine in vvare,, or for a head in peace, and if nothing els may be,, expected whiles he is king, but detriment to the,, state, ignominy to the nation, danger to chri,, stian religion, and distruction to the vveal pu,, blique: then it is law ful for you no doubt (most,, holy father) to deliuer the French from this,, band of their oth, & to testifie that no promise,, can bynd this natiō in particuler, to that which,, may be hurtful to al christendom ingeneral., Thus far that bis hop, & his spech vvas allowed & Childerick depofed, and Pepin made king in his place as the world knoweth.

By this the you see, said the Ciuilian lawyer, the ground wheron dependeth the righteous & lawful deposition and chastisement of vvicked Princes, to wit ther sayling in ther oth & promises, which they made at ther first entrance, that they would rule and gouerne iustly, according to law, conscience, equity, and religion, wherin when they sayle, or wilfully decline, casting behind them al respect of obligation & dewty to the end for vvwhich they vv ere made Princes and aduanced in dignity aboue the rest, then is the common wealth not only free from al oths made by her of obedience or allegiance

The conclusion, howv and vvhen othes do not bynde subiectes.

4 to such

to such unworthy Princes, but is bound moreouer for sauing the vvhole body, to resist chasten and remoue such euell heades, if she be able, for that otherwise al vvhould come to distruction, ruyne, and pnblique desolation.

The difference betwene a King & a tyrant.

Plat. dial. 1 de re-pub.
Arist. li. 2.
Pol. c. 5.

Bart. li. de tyranni-de.

And heere now come in, al thos cōsideratiōs vvhich old philosophers, lawmakers, and such others as haue treated of common vvealthes, are vvont to lay downe, of the difference and contrariety betwene a king and a tyrant, for that a king (as both Plato and Aristotle do declare) vvhē once he declyneth from his dewty, becommeth a tyrant, that is to say, of the best and most soueraine thing vppon earth, the worst and most hurt-ful creature vnder heauen for that as the end & office of a king is to make happy his commō vvealth, so the butt of a tyrāt is to destroy the same. And finally the whole difference is reduced to the principal head that before I haue mentioned, to vvit, that a king ruleth according to equity, oth, conscience, iustice, and law prescribed vnto him: and the other is enemy to al thes cōditions, wherof if you wil read many more particulers & signes to know a tyrant by, I wil remit you to a special booke set forth of this matter, by one Bartolus father (as yow know) of our Ciuil law, wher the matter is hādled largely, as also how lawfull and commendable it is to resist any tyrant, and finally he concludeth vvith Cicero in his bookes *de legibus*, vvher he sayeth, *ut populo*

pulo magistratus, ita magistratui presunt leges. A Cicero. li. 3. de legibus.
 good Prince or Magistrate maketh his accōpt, that as he is ouer the people, so lawes are ouer him, and a tyrant the contrary. And greatly is commended the saying of *Theodosius* and *Valentinian*, two worthy Emperors, recorded in our ciuil law vvhō sayd: *Digna vox est maiestate regnantis legibus se alligatum fateri.* It is a spech worthy of the maiesty of him that reigneth, to confesse that he is bound vnto the lawes, and the contrary saying of the Tyrant *Caius Caligula*, is iustly detested by al writers, vvho said vnto one as *Suetonius* reporteth. *Memento mihi omnia & in omnes licere.* remember, that al things are lawfull vnto me and against al men without exception. The saying also of the famous Emperor *Traian* deserueth immortal memory and commendation, vvho vvhen he deliuered the sword to a pretor or gouernour of Rome, to do iustice, he added thes wordes, *Take this sword, and if I do reigne iustly, vse it for me, and if not, then vse it against me.* Which in effect and substance are the very same vvordes which our christian Princes at this day do vse at their entrance and coronations, when they promise and sweare to rule iustly, and according to the lawes statutes, and ordinances of their countrey, and vppon that condicion do take the othes of their subiects obedience, protesting ther vvith-al, *that if they performe not this, that then their subiects are free as before from al allegiance,* and then may the common wealth as also the very officers themselves

Cicero. li. 3. de legibus.

Cod. l. 1. tit. 14. §. digna.

Suet. c. 23 in Calig.

Zō. tom. 2 in Traian.

Se in the capter following.

ues of such a king, vsether sword against him, vvho gaue it to them, for the publique good, if neede so require, as Traian commaunded.

The
speech of
a Souldier.

It vvvas truly the vvord of a noble Prince said a certaine Captaine of the company ther present, and rightly deserued he to be vvell obeyed, vvho gaue so liberal and iust a commission to be disobeyed: but for that you said, they that are Princes now a dayes do the like in effect at their admission to gouernment and at ther coronations: I vvould be glad to heare vvhat they say or sweare at this their entrance, for certaine I am that afterwards I find very few Princes, that are contented to haue this point put in excecution, I meane to be disobeyed vvhatsoever they do, or howsoever they liue: and moreouer I say, that vvhat soeuer you lawyers sit and talke of, Princes right in your studies, yet I finde no way but hanging for a man of my profession, if he shal disobey the vvorst Prince that liueth, & you lawyers vvill be the first that shal giue sentence against him, if he chance to come before you in iudgment.

True it is, said the Ciuilian, vvher martial authority taketh place, ther no question of right auaiileth to be disputed, & if a lavyver or any other man els, be in feare or dainger of his owne life, he vvill rather giue sentence against an other, then receaue it against himselfe, but vve talke not here vvhat men may be driuen to do by feare or force of euell Princes, but vvhat in right equity, and good conscience may be done:

The occasion of
the next
chapter.

done: and this not so much by priuate or particular men (vvhich may not be ouer busie in examining Princes rights, or vvhe-ther they performe their dueties or no) as by the common wealth, vppon vrgent necessity and dew deliberation had, against euil Princes, that breake openly their othes and promises made at their first entrance, vvvhich promises for that you are desirous to vnderstand them, I am content to passe ouer also vnto this point, and so much the rather, for that it maketh much to the purpose vve haue in hand, or rather it is, the very true ground in deede both of al lawful gouernment and subiection, among christian people. For that by this oth, both the Prince and subiect do come to know and agree vppon their dueties and obligations the one towards the other, as also both of thē, towards god & their native countrey. But for that this morning seemeth now much spent, and my stomack telleth me that our dinner cannot be far of, let vs defer this matter if you please vntil after noone, at what tyme, we shal crowne a king betweene vs here, with much more facility vvhen vve shal haue lesse occasions of hungar to distract our cogitations.

OF THE

OF THE CORONATION
OF PRINCES AND
MANNER OF THEIR ADMISSION
*to their authority, and the othes which they
do make in the same vnto the com-
mon wealth, for their good
gouernment.*

C A P. V.

The first
grounde
of lawes
& limits
to Prin-
ces.

DINNER being ended, the Ciuilian lawyer began to prosecute the matter propounded in the end of the former chapter, concerning othes and promises made by Princes at their first admission to gouernment, vvherein first he declared that for as much as not nature, but the election and consent of the people, had made their first Princes from the beginning of the world, as largely before and often had bin demonstrated: most certaine it appered, and conforme to al reason, that they were not preferred to this eminent power and dignity ouer others, without some conditions and promises made also on their parts, for vsing vvel this supreme authority giuen vnto them: seing it is not likely (quoth he) that any people would euer yeeld to put their liues, goodes, and liberties in the handes of an other, without some promise and assurance of iustice and equity to be vsed towards them, and hereof he said it came to passe, that bothe the Romans and Grecians to their ancient kings prescribed

prescribed those lawes and limites, which before haue bin specified.

And in euery common wealth the more orderly the Prince commeth to his crowne and dignity, the more expresse and certaine haue bin euer thes conditions and agrements betweene him and the people, as on the other side the more violently the Prince getteth his authority or by tyranny and disorder, as thos ancient and first tyrantes of *Afsyria* to wit *Nemrod*, *Belus*, and the like, that by meere force and guyle gat rule ouer others, and the old kings of *Egypt* and *Babilon*, and thos of the *Roman* Emperors that by violence of souldiars only gat into the Royal seate, and al such as at this day do get by force to reigne among the *Turkes*. Amōg thes (I say) it is no maruaile, though few cōditions of iust dealing may be expected, though I doubt not but yet to ther followvers and aduancers, thes men also do make large promises of good gouernment, at the begining, as al ambitious men are vvont to do, though vvith litle intention of performance.

Entrance
of tyrants
into their
gouer-
ment.

But in al good and vvell ordered common vveathes wher matters passe by reason, conscience, vvifdom and consultation, and especially since christian religion hath preuailed, & giuen perfection to that natural light, vvich morall good men had before in matters of gouernment: since that tyme (I say) this point of mutual and reciprocal othes betweene Princes and subiects, at the day of ther coronation or admission

The rites
of admir-
ting chri-
stian Kin-
ges.

admission (for al are not crowned) haue bin much more establiſhed, made cleare and put in vire. And this forme of agreement and conuention, betwene the common vvealth and their chriſtian head or king, hath bin reduced to a more ſacred and religious kinde of vnion and concord, then before, for that the vvhole actiō hath bin donn by Biſhopes and eccleſiaſtical Prelats, and the aſtipulation and promiſes made on both ſides, haue paſſed and bin giuen, receaued and regeſtred vvith great reuerence in ſacred places, and vvith great ſolemnity of religious ceremonies, vvwhich before vv ere not ſo much vved, though alvvayes ther weare ſome. And therfore our examples at this tyme ſhalbe only of chriſtian common vvealthes, for that they are more peculiarly to our purpoſe as you wil confeſſe.

The manner of admitting Greeke Emperors at their coronation.

Fiſt then to begin vvith the Eaſt or Greeke Emperors of Conſtantinople as the moſt ancient among other, for that after the Empire once tranſlated from Rome to Conſtantinople, by our Conſtantine the great, and the fiſt Chriſtian Emperour that euer did publiquely ſhew himſelfe for ſuch, thes Greeke Emperors were the moſt eminent Princes of al chriſtianity, among vvhom I do finde that albeit ther coming to the crowne were nothing ſo orderly, for the moſt part as at this day it is vved, but many tymes the meanes therof vv ere turbulēt and ſeditious, yet find I (as I ſaye) that aboue a thouſand yeares gone, they vv ere wont to haue
an oth

another exacted at their handes, by the patriarch of Constantinople, vvho was their chiefe Prelate, for thus writeth *Zonaras* of the coronation of *Anastatius* the first, that succeded *Zeno*, about the yeare of Christ 524. *Antequam coronaretur, fidei confessionem scriptam, qua polliceretur, se in dogmatibus Ecclesiasticis nihil esse nouaturum, ab eo exegit patriarcha Euphemius vir sanctus & orthodoxus.* The Patriarch *Euphemius* being a holy and catholique man, required of *Anastatius* elected Emperor, before he was crowned a confession in writing, wherein he should promise to change or innouate nothing in matters perteyning to the doctrine of the church thus much *Zonaras*, & the same haue *Nicephorus Euagrius* & others.

And not only this, but diuers other conditions also, doth the same author insinuate, that this *Anastatius* promised at his corouation, before he could be crowned, as among other things, the taking away of certaine tributs and impositions, the giuing of offices without money, and other like points, appertayning to reformation and good gouernment, vvhich he performed for a tyme, in the beginning of his gouernment, but after fel into the heresies of the Eutichians, & banished this same good Patriarch *Euphemius*, that had crowned him, & he thrived thereafter, for that he vvvas slayne by a thunder bolt from heauē, after he had reigned 27. yeares, and vvvas accompted for a very wicked man, by al vvriters, for that he had broken (as they said) the conditions, *quas graui iuramento*

Zonar.
tom. 3.
Annal. in
vita *Ana-*
stas.
Niceph. l.
16. cap. 29
Euagr. l. 2.
cap. 32.

mento scriptis relato confirmasset. That is to say, the conditions which he had confirmed & auowed

Vbi supr. with a graue oth as sayeth *Euagrius.*

The Gre-
cian Em-
perors
oth.

The like, I read about 300. yeares after, recorded by the same author of the Emperor *Michael* the first, in thes wordes. *Michael vbi diluxit, magnam ecclesiam ingressus, à Patriarcha Nicephoro imperatorio diademate est ornatus, postulatoprius scripto, quo promitteret, se nulla ecclesie instituta violaturum, neque christianorum sanguine manus contaminaturum.* Which is, Michel new chosen Emperor, came early in the morning into the great church of Constantinople, and vvas crowned ther with the Emperial crowne by the handes of *Nicephorus* the Patriarch, but yet so, as hs was first required to swear and promise by writing, that he would not violate the ordināces of the church, nor contaminat his hands with christian blood, which in effect is as much to say, as that he should reigne godly & iustly, and many other such examples might be alleaged, but by this it is easy to see, what vvas the fassion of admitting and crowning thos gre-tian Emperors by their Patriarkes, in the name of al the common wealth, which common wealth was not satisfied with an oth except, also it were set downe in vwriting.

And if we passe to the latine & west empyre which about this very tyme was restored by *Zacharie* the pope, and by the whole common wealth of Rome (as before hath bin shewed and was giuen to *Charles* the great and his posterity)

Zon. Tō.
3. in vita
Mich.
An. 820.

posterity) vve shal fynd that this point is more settled and more in-violably kept yet in this empyre, the in the other, for albeit that this empire of the west vvent by succession for the most part at the begining, vntil afterwards it vvas appointed by Pope Gregory the fifth to passe by the election of certaine Princes in Germanie, that now enioy that priueledge to be electors: yet shal vve see alwaies, that they euen before this cōstitution, when this dignity went by succession, were neuer admitted to the same, vvithout this circumstance of swearing to conditions of righteous gpuerment: the forme and manner of which admission, for that I find it set downe more perfectly and particularly in the coronation of Otho the first, then of any other Emperor, and that by many authors, and that this Otho was sonne and heyre vnto the famous Emperor Henry the first of that name, Duke of Saxonic, surnamed the faulkner, for the great delight he had in the sight of faulcons, for thes causes I meane to begin with the coronation of this man before any other.

Saxo.
Gram. li.
10.
Cranzius
lib. 3. metrop. c. 12.

This Otho then sonne (as I haue said) to Henry the first, though being his eldest sonne, he vv ere also his heyre, and so named by Henry him self to the inheritance of the said crowne of Germany: yet was he not admitted ther-vnto vntil he had made his oth, and receaued his new approbation, by the people, for so the story saith that the Archbishop of Moguntia (who is the chief primate of al Germany)

The
crowning
of Oth
the first.

H bringing

bringing him to the aulter-wher he must swear, said thes vvords vnto the people. Behold I bring you heare Otho, chosen by God & appointed out by his father Henry our Lord, and now made king by al the Princes of this empire, if this election please you, do you signifie the same by houlding vp your handes to heauen. Thus far are the vvordes of the historiographer, and then he addeth that al held vp their handes, and that theruppon the said archbishop, turned about to the aulter vvher lay al the oruaments and ensignes of the empyre, as the sword vvith the girdle, the cloke vvith the bracelets, the staf vvith the scepter, and diademe, euery one wherof, the archbishop put vpon the Emperor, telling him the signification of ech thing, and vvhat it did bynd him vnto: as for example vvhen he put the svword about him he said, *accipe hunc gladium quo ꝑcias omnes Christi aduersarios & malos cbristianos, autoritate diuina per Episcopos tibi tradita.* Which is, take vnto thee this svword vvherby thou mayst cast out and driue away al the enemies of Christ, whether they be barbarous infidels, or euel christians, and this by the authority of God deliuered vnto thee by vs that are bisshops.

And thus he did vvith al other ornaments and ensignes, telling the signification and obligation of euery one, and taking the Emperors promise to performe al.

And after al, the historiographer concludeth thus. *Rex perfusus oleo sancto, coronatur diademate aureo, ab Episcopis, & ab eisdem ad solium regale ducitur*

VWhiti-
chindus
gest.
Saxon.
lib. 1.

Ensignes
of the
empire.

VViti-
chin 1.2.

Vbi su-
pra.

citur & in eo collocatur. That is, the king being annointed vvith holy oyle was crowned by the bisshops, and by the same vvvas brought to the royal seat and therin placed. This happened about the yeare of christ 940. and the ceremony is recounted more amply in this mans coronation, then in any other, both for that he was a very noble Prince, and the very first of the Germain nation, that vvvas lawfully and orderly preferred to the imperial seat, after that it passed from the children of Charles the great, and ther be diuers points worthy the noting in this example, and among other that albeit he were lawful king and Emperor by succession, as also by appointment of his father: yet was he cho- Election.¹
sen and admitted againe by the Princes and people, & that he swore to fulfil al those pointes and condicions, which the signification of the Emperial ornaments did bynd him vnto.

After this, about 60. yeares or more, Pope Gregory the 5. in a synode holden in Rome, did by the consent of Otho the third Emperor, and nephew vnto this other Otho, of vvhom we haue now treated, appoint a certaine forme of electiō for the tyme to come of the German
German Electors.
Emperor, to wit, that he should be chosen by six Princes of Germany, three ecclesiastical which are the archbisshopes of *Moguntia*, *Colen*, & *Treuirres*, & three temperal Lords, to vvhit, the Duke of Saxony, the Counte Palatyne of Rhene, and the Marques of Brandeburge, and vvhen thes six voices should happen to be

Blend. de-
cad. 2. li. 3
Crant. l. 4.
cap. 25.

equally deuided, then that the Duke of Boemia (for then it was no kingdom) should haue place also to determyne the election. Al which was determined in the yeare of Christ 996. in Rome, and approued afterward by al the Princes of Germany, and allowed by al other Christian Princes, and states of the vworld, and so endureth vnto this day. And among al other points this of his coronation and his oth to be taken for his wel gouernment, vvas and is most exactly set downe, & recorded by many historiographers of that tyme, and since: But I shal alleage them only out of Iohn Sleydan, as the most conuenient author for this our tyme and purpose.

Sleyd. li. 1
hisor.
An. 1519.

The man
ner of the
Emperors
coronatiō
at this
day.

First of al then he writeth, that after any man is chosen Emperor, he is to be called only *Cæsar* and the king of the Romans, and not Emperor, vntil he be crowned, and the condizions which he sweareth vnto presently after his election, *Are, to defend the christian and catholique religion, to defend the pope and church of Rome, whose aduocat he is, to minister iustice equally to al, to follow peace, to kepe and obserue al lawes rightes and priuileges of the Empyre, not to alienate or engage the possessions of the empyre, to cōdemne no man without hearing his cause, but to suffer the course of law to haue his place, in al and whatsoeuer he shal do otherwise, that it be voyd and of no Validitie at al.*

Sleyd. vii
supra.

Vnto al thes articles, he sweareth first by his legates & then he gineth a copy of his othe in vvriting to euery one of the six electors, and
after

after this he goeth to the cytie of *Aquis-gran* to be crowned in the great church, vvhher about the midle of the masse, the archbishop of *Colen* goeth vnto him in the presence of al the people, and asketh, *Whether he be redy to sweare and promise to obserue the catholick religiō, defend the church, minister iustice, protect the widowes and fatherles, and yeald dutiful honor and obedience to the pope of Rome,* wherunto he answering that he is redy to do al this, the Archbishop leadeth him to the high aulter wher he sweareth in expresse vvords, al thes articles, vvwhich being done, the said archbishop turning himselfe to the Princes of the empyre and people ther present doib aske them, *Whether they be content to sweare obedience and fealtie vnto him,* who answering yea, he is annoyned by the said archbishop before the aulter, and then do come the other two Archbishops of *Moguntia* and *Treueris*, and do lead him into the vestery, vvhher certaine deacons are redy to apparel him in his robes, and do set him in a chayre, vppon vvhom the Archbishop of *Colen* saith certaine prayers, and then deliuereth him a sword drawne, and putteth a ring vppon his finger, and giueth him a scepter in his hand, & then al the three Archbishops together, do put on the crowne vppon his head, and leading him so crowned and apparreled vnto the high aulter againe, he sweareth the second tyme, *that he wil do the part of a good christian and Catholick Emperor.* Which being ended he is brought back, and placed in the imperial seat & throne,

Interrogatories
to the
Emperor.

Imperial
orna-
ments.

Second
oth.

vvher al the Princes of the empyre do sweare obedience and sayth vnto him, begining vvith the three Archbishops, and continuing on vvith the three other electors, and so al the rest in order vvhich is a notable and magestical manner of admitting and authorizing of a Prince as you see, and it is to be marked among other things, that the emperor sweareth three tymes, once by his deputies and twise by himselfe, before his subiects sweare once vnto him, and yet wil Belloy as you haue hard, needs haue subiects only bound to their Princes, and the Prince nothing at al bound to them againe.

To be
noted.

The man-
ner of co-
ronation
in Polo-
nia.

In Polonia, which being first a Dukedome was made a kingdome, aboute the same tyme that this forme of electing of the German Emperor vvas prescribed, the manner of coronatiō of their kings, is in substance the very same, that we haue declared to be of the Emperor. For first of al, the Archbishop of *Guesua* metropolitā of al Polonia, commeth to the king standing before the high aulter, and sayeth vnto him these wordes. *VVheras you are right noble Prince to receaue at our handes this day Who are (though vnworthily) in place of Christ for execution of this function, the sacred annoynting and other ceremonies, ensignes, and ornaments apperteyning to the kinges of this land, it shalbe wel that we admonish you in a few wordes, what the charge importeth which you are to take vpon you, &c.*

Alex Gual-
guinerū
Polon.
Tom. 1.
& Oricho
in Chi-
mer. fol.
90. & 106

Thus he beginneth, and after this, he declar-
eth vnto him for what end he is made king,
vvhat

vvhath the obligation of that place and dignity byndeth him vnto, and vnto vvhath points he must sweare, what do signifie the sword, the ring, the sceptor, and the crowne that he is to receaue, and at the deliuey of each of thes things he maketh both a short exhortation vnto him, and prayer vnto God for him. And the kings oth is in thes words. *Promitto coram* The kings
Deo & angelis eius, I do promise and sweare be- of poole
 fore God and his angels, that I wil do law and landes
 iustice to al, and kepe the peace of christ his othe.
 Church and the vniõ of his catholique fayth, „
 and wil do and cause to be done dew and cano- „
 nical honor vnto the bis hops of this land, and „
 to the rest of the cleargie, and if (which God for „
 bid) I should break my oth, I am content that Bodin de
 the inhabitants of this kingdome, shal owe no rep. l. 2. c.
 duty or obedience vnto me as God shal help 9.
 me and Gods holy ghospelles. „

After this oth made by the king, and receaued by the subiects, the Lord Martial general of the whole kingdome, doth aske vwith a loud voice of al the councellors, nobility, & people ther present, *Whether they be content to submit themselves vnto, this king or no*. Who answering yea: the archbis hop doth ende the residue of the ceremonies, & doth place him in the royal throne, wher al his subiects do homage vnto him, and this for Polonia.

In Spayne I do find, that the manner of ad- The ad-
 mitting ther kings was different, and not the missiõ of
 same before and after the distruction therof kings in
 Spaine.

by the Moores, but yet that in both tymes ther kings did sweare in effect the selfe same points vvhich before haue bin mentioned in other kingdomes. For first, before the entring of the Moores when spayne remayned yet one general monatchie, vnder the Gothes, it is recorded in the fourth national councel of Toledo which vvas holden the yeare of our Lord 633. according to *Ambrosio Morales*, the most learned & diligent historiographer of Spayne, (though other do appoint it some few yeares after) in this council (I say) it is said, that their new king *Sisfinandus* (who had expelled *Suintila* ther former king for his euell gouernment). This king *Sisfinandus* I saye comming into the said council in the third yeare of his reigne, accompanied with a most magnificent number of nobles, that waighted on him, did fall downe prostrate vppon the ground, before the Archbishops, and bishops ther gathered together, which vvere 70. in number, and desired them vwith teares to pray for him, and to determine in that council, that which should be needful and most conuenient both for mainteyning of Gods religion, and also for vpholding and prospering the whole common wealth: wheruppon thos fathers after matters of religion and reformation of manners, vvhich they handled in 73. chapters. In the end and last chapter, they come to handle matters of estate also. And first of al they do confirme the deposition of king *Suintila* together with his wife brother, and children,

Amb. Morales li. i. c. 17. hist. Hisp. prae-fat. eiusdem concilij.

The humilitie of King Sisfinandus.

Concil. Tol. 4. c. 74.

children, and al for his great wickednes, which in the council is recounted, and they do deprive them not only of al title to the crowne, but also of al other goods, and possessions, mouables & immouables, sauing only that vvhich the new kings mercy should bestow vppon them, and in this council was present and subscribed first of al other, S. *Isidorus* Archbisshop of *Siuil*, who writing his history of *spayne* dedicated the same vnto this king *Sisinandus*, and speaketh infinite good in the same, of the vertues of king *Swintila*, that was now deposed and condemned in this laide council, wherby it is to presumed, that he had changed much his life afterward, and became so wicked a man, as here is reported.

Ambros.
Maral. l. 12
cap. 17.

After this, the council confirmeth the title of *Sisinandus*, and maketh decrees for the defence therof, but yet insinuateth vvhich points he was bound vnto, and wherunto he had sworne when they laide vnto him, *Te quoque presentem regem ac futuros atatum sequentium principes, &c.* We do require you, that are our present king, and al other our Princes that shal follow hereafter vvvith the humility which is conuenient, that you be meeke & moderate towards your subiects, and that you gouerne your people in iustice and piety, and that none of you do giue sentence alone against any mā in cause of life and death, but with the consent of your publique council, and with thos that be gouernours in matters of iudgment. And against al kings that are to come, we do pro-

Condi-
tions of
reigning
in Spaine.

mulgate this sentence, that if any of them shal against the reuerence of our lawes, excercise cruel authority with proud domination, and kingly pompe, only following ther owne concupiscence in wickednes, that they are condemned by Christ with the sentence of excommunication, and haue theyr separation both from him and vs to euerlasting iudgment, and this much of that council.

But in the next two yeares after the ende of this council, king *Sisinandus* being now dead and one *Chintilla* made king in his place, ther were other two councils gathered in *Toledo*, the first vvhherof was but prouincial, and the second national, and they are named by the names of the fift and sixt councils of *Toledo*. In the vvhich councils, according to the manner of the Gothes (who being once conuerted, from the Arrian hæresie, were very catholique and deuout euer after, and gouerned themselves most, by their cleargie) and not only matters of religion were handled, but also of state and of the common wealth, especially aboute the successiõ to the crowne, safety of the Prince, prouision for his children, frendes, officers, and fauorites after his death, and against such as without election or approbation of the common wealth, did aspire to the same, al thes points I say vvere determined in thes councils and among other points a very seueredecree vvas made in the sixt council, concerning the kings oth at his admission in thes vvords.

Ambros.
Moral. l.
11. cap. 23
& 24.

Concil. 5.
cap. 2. 3. 4.
5. & conc.
6. cap. 16.
27. 18.

Consonam

Consonam vno corde & ore promulgamus Deo placitu- Concil.
ram sententiam. We do promulgate vvith one Td. 6. c. 3.
 hart and mouth this sentence agreeable & plea-
 sing vnto God, and do decree the same vvith
 the consent and deliberation of the nobles and
 peeres of this realme, that vvhosoever in tyme
 to come shalbé aduanced to the honor and
 preferment of this kingdome, he shal not be
 placed in the royal seat, vntil among other con-
 ditions he haue promised by the Sacrament of The king
 of Spai-
 nes othe
 at his ad-
 mission.
 an oth, that he vvil suffer no man to break the
 Catholique faith, &c. Thus far, that synod or
 council. By which wordes especially thos
 (*among other conditions*) is made euident, that thos
 Princes sweare not only to kepe the faith, but
 also such other conditions of good gouernment
 as were touched before in the fourth council,
 and thes things were determyned while their
 king *Chintilla* was present in *Tolledo*, as *Ambrosio*
Morales noteth. And thus much of Spayne, be- Ambros.
 fore the entrance of the Moores, and before Moral.
 the deuiding therof into many kingdomes lib. i. cap.
 which happened about a hundreth yeares after 23.
 this, to wit in the yeare of our Sauour 713. The di-
 struction
 of Spai-
 ne.
 and 714.

But after the Moores had gayned al Spayne
 and deuided it betwene them, into diuers king-
 domes, yet God prouided that vvithin fowre or
 fve yeares the christians that were left and fledd
 to the Mountaynes of *Asturias* & *Biscay*, found a
 certaine yong Prince named *Don Pelayo* of the
 ancient blood of the Gotish kings, vvho vvvas
 also fled

The be-
 ginning
 of the re-
 stitution
 of spaine.
 Ambros.
 Moral. li.
 13. c. 1. &
 2. de la
 Chron. de
 Esp.

Kingdo-
mes in
Spayne.

also fled thither and miraculously saued from the enemyes, whom they chose straight vvaies to be their king, and he began presently the recouery of Spayne, and was called first king of *Asturias*, and afterward of *Leon*, and after his successors gatt to be kings also of *Castilia*, and then of *Toledo*, and then of *Aragon*, *Barcelena*, *Valentia*, *Murcia*, *Cartagena*, *Iaen*, *Cordua*, *Granado*, *Siuil*, *Portugal*, and *Nauarra*, al which were different kingdomes at that tyme, so made by the Moores, as hath bin said. And al thes kingdomes were gayned againe, by litle and litle, in more then 7. hundred yeares space, which were lost in lesse then two yeares, and they neuer came againe in deede into one Monarchie as they were vnder *Don Rodrigo* ther last king that lost the whole, vntil the yeare of our Lord 1582. when *Don Philippe* now king of Spayne re-vnited againe vnto that crowne the kingdome of Portugal which was the last peece, that remayned seperated and this vvas almost 900. yeares after Spaine was first lost.

The go-
tish law
of Don
Pelayo
King of
Spayne.
Ambros.
Moral. li.
33. cap. 2.

But now to our purpose, the chronicler of Spayne, named *Ambrosio Morales* doth record in his chronicle a certaine law, written in the Gotish tonge, and left since the tyme of this *Don Pelayo* the first king, after the vninersal destruction of Spaine, and the title of the law is this. *Como se an de leuantar Rey en España, y como el ha de Iurar los fueros*, that is to saye, how men must make ther king in Spaine, and how he must sweare to the priuileges and liberties of
that

that nation: And then he putteth the articles „
 of the law, wherof the first saith thus. Before „
 al thinges it is establisshed for a law, liberty, and priu- „
 ledge of Spayne, that the king is to be placed by voi- „
 ces and consent perpetually, and this to the intent that „
 no euell king may enter without consent of the people, „
 seing they are to giue co him, that which with ther „
 blood and laboures they haue gayned of the Moores. „

Thus far goeth this first article, which is the „
 more to be marked, for that diuers and thos „
 most ancient spanish authors do say, that from „
 this *Don Pelayo*, the succession of kings descen- „
 ded euer by propinquity of blood, and yet vve „
 see that election was ioyned ther vvithal in ex- „
 presse termes.

Lucas
Episcop.
Tuyent.
in histor.
Hispan.
Lodou.
de molin.
lib. de he-
red.

The second part of the law conteynerh the „
 manner of ceremonyes vsed in those old dayes „
 at the admission of their kings, which is ex- „
 pressed in thes wordes, let the king be chosen & „
 admitted in the metropolitan citie of this king- „
 dome, or at least wise in some cathedral church, „
 and the night before he is exalted, let him „
 watch al night in the church, and the next day „
 let him heare masse, and let him offer at masse „
 a peece of scarlet, and some of his owne mo- „
 ney, and after let him communicate, and when „
 they come to lift him vp let him step vppon a „
 buckler or target and let the cheife and princi- „
 pal men ther present hold the target, and so lif- „
 ting him vp let them and the people cry three „
 tymes, as hard as they can, *Real, Real, Real*. Then „
 let the king comaund some of his owne mo- „

The old
Spanish
cerimo-
nyes in
making
their Kin-
ge.

ney, to

„ ney, to be cast among the people, to the quan-
 „ tity of a hundreth shillings, and to the end he
 „ may giue al men to vnderstand, that no man
 „ now is aboue him, let him self tye on his owne
 „ sword in the forme of a crosse, & let no knight
 „ or other man, beare a sword that day, but only
 „ the kinge.

The pre-
 sent man-
 ner of
 Spaine.

This was the old fashion of making kings
 in spayne, which in effect and substance remay-
 neth stil, though the manner therof be some-
 what altered, for that the Spanish kings be not
 crowned, but haue an other ceremony for their
 admission equal to coronation, which is per-
 formed by the Archbishop of Toledo primat
 of al spayne, as the other coronations before
 mentioned are by the Archbishop of *Moguntia*,
 to the Emperor, and by the Archbishop of
Guesna to the king of Polonia, and by the Arch-
 bishop of Praga to the king of *Boemia*, and by
 the Archbishop of *Braga* to the king of Portu-
 gal, and by the Archbishop of Canterbury to
 the king of England, and by the Archbishop of
 Rhemes to the king of France, of which realme
 of France we may not omit to say somewhat in
 particuler, seing it is so goodly a kingdome,
 and so neere to England, not only in situation,
 but also in Lawes manners & customes, and as
 the race of English kings haue come frō them
 in diuers manners, since the conquest, so may it
 be also supposed that the principal ceremonies
 and circumstances of this actiō of coronation,
 hath bine receaued in like manner from them.

First

First then touching the acte of coronation and admission of the king of France, euen as before I haue said of Spayne, so also in this kingdom do I find two manners of that action, the one more ancient which the French do say hath indured in substance from ther first Christian king named *Clodouens*, vnto this day, which is about eleuē hundred yeares, for that *Clodouens* vvas christened the yeare of our Lord 490. in the cytie of Rheims by S. Remigius, Bisshop of that citie, and annoited also and crowned king by the same bisshop, which manner and order of anoynting and coronation endured after for about 6. hundred yeares, vnto the tyme of Henry the first, & king Phillip the first his sonne, both kings of France. At vwhat tyme (which is about 500. yeares a gone) both the Chroniclers and Cosmographers of France do testifie, that ther was a peculier booke in the library of the church of *Beuais*, conteyning the particuler order of this action, which had endured from *Clodouens* vnto that tyme. Which order, for so much as toucheth the solemnitie of officers in the coronation and other like circumstances, vvas far different at that tyme, from that which is now, for that in those dayes ther were no peeres of France, appointed to assist the same coronation, which now are the chiefe and the greatest part of that solemnitie. Yea *Girard du Hailan* secretarie of France in his third booke of the affaires and state of that kingdome, sayth, that the ceremonies of crowning

The manner of French coronation.

The old ceremonies.

Belfor. l. 3
c. 20 The-
uet. cos-
mograph.
vniuers. l.
15. cap. 2.
Papir.
masson.
annal l. 3.
pag 2. 15.

Gerand l.
3 delib.
estat.
fol. 238.

ning

ning their old kinges were much after the fashion which I haue noted a litle before, in this very chapter, out of the law of *Don Pelayo* first king of Spaine, after the Moores, for that they were lifted vp and caried a-bout vpon a target by the chiefe subiects ther present as the spaniards were.

But as touching the principal point of that action which is the substance of admitting the king vnto his royal authority, and oth by him made of gouerning wel and iustly, and of the reciprocal oth of obediēce made to him againe by his subiects, it was not much different from that which now is, as shal appeare by the coronation of the foresaid Phillip the first, who was crowned in the life and presence of his father, king Henry, after the fashion then vsed in the yeare of Christ 1059. and it was in manner following, as *Nangis* and *Tillet*, both authores of great authoritie among the French, do recount it, and Francis Belforest, out of them both repeateth the same at large, in thes words following.

Francis
Belfor.
hist. fran.
lib. 3. c. 20
in vita
Philip. 1.

The co-
ronation
of King
Phillip
the first.

King Henry the first of this name, seeing himselfe very old and feeble, made an assembly of al the states of France in the cytie of Paris in the yeare of Christ 1059. wher bringing in his
„ yong sonne and heire Philip that vvas but 9.
„ yeares of age, before them al, he said as fol-
„ loweth.

The
speech of
the fa-
ther.

Hither to my dere frends and subiects, I haue bin the head of your nobility, & men at armes,
but now

but now by myne age and disposition of body, I do wel perceauē, that ear it be long I must be seperated from you, and therefore I do desire you that if euer you haue loued me, you shew it now in giuing your consent and approbation that this my sonne may be admitted for your king, and apparaled with the royal ornaments of this crowne of France, and that you wil sweare fealtie vnto him, and do him homage.

Thus said the king, and then hauing asked euery one of the assistance in particuler for his consent a part, and afterwards the whole assembly in general, whether they vvould sweare obedience to him or no, and fynding al to promise vvith a good wil, he passed ouer the feast of the assention vvith great ioy in Paris, and after vvent to Rhemes vvith al the court and trayne, to celebrate the coronation vppon the feast of vvhit-sunday.

Thus far are the wordes of William de Nan-gis alleaged in the story of France by Belforest, and it is to be nored first, how the king did request the nobility & people to admit his sonne, and secondly how he did aske ther consents a part, for that thes two pointes do euidently cō-firme that, vvich I said at the beginning, that only succession is not sufficient, but that coronation euer requireth a new consent, vvich also includeth a certaine election or new approbation of the subiects.

This is proued also most manifestly by the very order of coronation vvich insueth in

Notes vpon the kings speeches

Memoi-
res du
Tillet e.
du sacre
des Roys.
The par-
ticuler
manner
of corona-
tion.

Belforest, taken vword for vword out of Tillet, in his treatise of *Recordes*, in the chapter of annointing the kings of France in thes wordes.

In the yeare of grace 1059. and 32. of the reigne of king Henry the first of this name of France, and in the 4. yeare of the seat and bishoprick of *Geruays* Archbishop of Rhemes, and

in the 23. day of May being whitsonday, king Phillip the first vvas anointed by the said Archbishop *Geruays* in the great church of Rhemes, before the aulter of our lady, vvith the order & ceremony that ensueth.

The masse being begonne, vvhen it came to the reading of the Epistle, the said Lord Archbishop turning about to Phillip the Prince, that vvas ther present, declared vnto him vvhac vvas the Catholique sayth, and asked him whether he did beleue it, & whether he would defend it against al persons vvhatsoever, vvho affirming that he vvould, his oth vvas brought vnto him, wherunto he must sweare, vvch he tooke and read vvith a loud voyce, and signed it vvith his owne hand, and the vvords of the oth vvere these.

Je Philippe par le grace de Dieu prochain d'estre ordonné Roy de France. promets au iour de mon sacré deuant Dieu & ses sanctes. &c. That is in English, (for I vvil not repeate al the oth in French seing it is some vvhat long). I Phillip by the grace of God, neere to be ordeyned king of France, do promise in this day of my annointing, before almightie God, and al his saintes, that I vvill conserue

Professio
of faith.

The oth
of the
King of
France.

ferue vnto you that are ecclesiastical Prelats al
canonical priuileges, and al law and iustice dew
vnto euery one of you, and I vvill defend you by
the helpe of God so much as shall lye in my
power, and as euery king ought to do, and as
by right and equity he is bound to defend eue-
ry Bis hop and church to him cōmitted within
his realme, and further more I shal administer
iustice vnto al people giuen me in charge, and
shal preferue vnto them the defence of lawes
and equity appertaining vnto them, so far forth
as shall lye in my authority, so God shal helpe
me and his holy Euangelists.

This oth was read by the king, holding his
handes betwene the handes of the Archbis hop
of Rhemes, and the bis hop of Syen and Bisanfon,
legats of the pope standing by, vvith a very
great number of other bis hops of the realme.
And the said Archbis hop taking the crosse of
S. Remigius in his hands, he shewed first vnto
al the audience, the ancient authoritie which
the Archbis hops of Rhems had euen from the
tyme of S. Remigius that baptized ther first
christian king *Chlodoueus*, to annoint & crowne
the kings of France, which he said vvas confir-
med vnto them by priuledge of the pope *Hor-*
misda that liued in the yeare of Christ 516. and
after also by pope *Victor*, and this being done, he
then (by licence first asked of king Henry the
farther ther present) dyd chose Phillip for king.
Il esleut le dit Philippe son fils, en, & pour Roy de France,
which is word for word, the Archbis hop chose

Belfor. l. 1.
cap. 20.

the said Phillip king Henryes sonne, in and for
 22 king of France, which the legats of the pope
 22 presently cōfirmed, and al the biſhops Abbots
 22 and cleargie, with the nobility & people in ther
 22 order, did the like, crying out three tymes in
 22 theſe vvordes. *Nous le approuuons, nous le voulons, ſoit*
 The peo- *fait noſtre Roy*, that is, vve approve his election,
 ples ele- *we vvil haue him, let him be made our king, &*
 ction and *admiſſiō.*
 22 presently was ſong. *Te Deum laudamus* in the
 22 quyar, and the reſt of the ceremonies of anoin-
 22 ting and coronation were done, according to
 22 the ancient order of this ſolemnity, vſed in the
 22 tyme of king Phillips predecessors kings of
 France.

Thus far do French ſtories recount the old &
 ancient manner of anointing and crowning
 ther kings of France, which had endured as I
 haue ſaid, for al moſt 600. yeares that is to ſay,
 from *Clodouens* vnto this king Phillip the firſt,
 vvho was crowned in France 7. yeares before
 our William conquerer (who alſo was preſent
 at this coronation, & had the third place among
 the temporal Princes as Duke of Normandie)
 entred into England, but after this tyme the
 manner and ceremonies was ſomewhat altered,
 and made more maieltical in outward ſhew, &
 this eſpecially by king Lewis ſurnamed the
 yonger, nephew to the foreſaid king Phillip,
 who leauing the ſubſtance of the action as it
 vvas before, cauſed diuers external additions of
 honor and maieltie, to be adioyned therunto,
 eſpecially for the coronation of his ſonne
 Phillip

The later
 order of
 coronatiō
 in France.

Phillip the seconde surnamed *Augustus*, whom he caused, also to be crowned in his dayes, as his grand father Phillip had bin, and as himselfe had bin also in his fathers dayes.

This man among other royal ceremonyes ordeyned the offices of the twelue peeres, of France, 6. Ecclesiastical, and 6. temporal, vvhoe are they which euer since haue had the chieft places and offices in this great action, for that the fore said Archbishop of Rhemes intituled also Duke of Rhemes, hath the first and highest place of al others, and annoynteth & crowneth the king. The bishop & Duke of Laon beareth the glasse of sacred oyle. The bishop & Duke of Langres the crosse: The Bishop and earle of Beauais the mantel royal, The Bishop & Earle of Noyon the kings girdle, and last of al, the Bishop and Earle of Chalons, doth cary the ring, and thes are the six ecclesiastical peeres of France with their offices in the coronation.

The 12. peeres of France & ther offices in the coronation.

The temporal peeres are the Duke of Burgundie, deane of the order, vvhoe in this day of coronation holdeth the crowne: the Duke of Gasconie & Guyene the first banner quartered, the Duke of Normandie the 2. banner quartered, the Earle of Tholosa the golden spurres, the Earle of Champanie, the banner Royal or standerd of warr, and the Earle of flanders the sword royal, so as ther are 3. Dukes & 3. Earles in euery one of both ranks of spiritual & temporal Lords, and as Girard noteth, the king is apparraled on this day 3. times, and in 3. seueral

Temporal peeres.

To be noted.

Girard du
haillan li.
3. de l'e-
stat. pag.
240 2. 2.
& 258.

fortes, the first as a priest, the second as a king and
vvarryer, the third as a iudge, and finally he
saith that this solemnitie of anoynting and
crowning the king of France, is the most mag-
nificent, gorgeous, and maiestical thing that
may be seene in the vworld, for which he refer-
reth vs not only to the particuler coronations
of the two ancient king Phillipps, the first &
second, but also to the late coronation of Hen-
ry the second, father to the last kings of France
which is also in printe, and in deede is a very
goodly and most notable thing to be read,
though in deede much more to be seen.

The cere-
monies
vsed at
this day.

Francis
Belf. in
vita Au-
gustus.

But to say a vvord or two more of Phillip
Augustus before I passe any further, which
happened in the yeare 1179. and in the 25. of
the reigne of our king Henry the 2. of England,
who as the French stories say was present also
at this coronation, and had his ranck among
the peeres as Duke of Normandy, and held the
kings crowne in his hand, & one of his sonnes
had his ranck also as Duke of Gasconie, & the
forme vsed in this coronation was the very
same which is vsed at this day in the admission
of the kings of France, in recounting wher-of
I wil let passe al the particuler ceremonies
Which are largely to be read in Francis Belfo-
rest, in the place before mentioned, and I vvil
repeate only the kings oth, which the said au-
thor recounteth in thes wordes.

The coro-
nation of
Phillip. 2.
Augustus

The Archbisshop of Rhemes being vested in
his pontifical attyre, and come to the aulter to
begin

begin masse (wher the king also was vppon a
 high seat placed) he turned to him and said
 thes wordes in the name of al the cleargie and
 churches of France: Syre that which we require
 at your handes this day, is that you promise
 vnto vs, that you wil kepe al canonical priuile-
 ges law and iustice dew to be kept & defended
 as a good king is bound to do in his realme, and
 to euery bishop and church to him committed:
 wherunto the king answered. I do promisse and
 auow to euery one of you and to euery church to you
 committed, that I wil kepe and mainteyne al canonical
 priuileges law and iustice dew to euery man to the v-
 termost of my power, and by Gods helpe shal defend
 you as a good king is bound to doe, in his realme. This
 being done the king did sweare and make his
 oth, laying his handes vppon the gospel in thes
 wordes following. *Au nom de Iesus Christ, ie iure*
& promets au peuple chrestien a moy suiect ces cho-
ses, &c. Which is in English: In the name of Je-
 sus Christ I do sweare and promise to al Chri-
 stian people subiect vnto me thes points ensu-
 ning: first to procure that al my subiects be kept
 in the vnion of the church, and I wil defend
 them from al excesse, rapine, extortion, and ini-
 quity, secondly I wil take order that in al iudg-
 ments iustice shalbe kept, with equity and
 mercy, to the end that God of his mercy may
 conserue vnto me with you my people his holy
 grace and mercy. Thirdly I shal endeavour as
 much as possibly shal lye in me, to chase and
 driue out of my realme and al my dominions, al

The oth
 of the
 French
 king vsed
 at this
 day.

1, such as the church hath or ſhal declare for he-
 2, retiques, as God ſhal help me and his holy goſ-
 3, pels. Thus ſwereth the king, and then kylleth
 4, the goſpels, and mediately is ſong. *Te Deum lau-*
 5, *damus*, and after that are ſaid many particuler
 6, prayers by the Archbiſhop, and then is the king
 7, veſted, and the ring, ſcepter, crowne, and other
 8, kingly ornaments and enſignes are brought &
 9, put vppon him, with declaration firſt vwhat
 10, they ſignifie, & then particuler prayers are made
 11, to God, that ther ſignification may be by the
 12, king fulfilled.

And after al ended the Archbiſhop with the
 Biſhops do bleſſe him, and ſay theſe vvordes
 vnto him. *God which reigneth in heauen and gouer-*
neth al kingdomes bleſſe you, &c. Be you ſtable and
 conſtant, and hold your place and right, from hence
 forth which heere is committed and laid vppon you by
 the authority of almighty God, and by this preſent tra-
 1, dition and deliuery which we the biſhops and other
 2, ſeruants of God do make vnto you of the ſame, and re-
 3, member you in place conuenient, to beare ſo much more
 4, reſpect & reuerence vnto the cleargie. by how much
 5, neerer then other men you haue ſeene them to approch
 6, to Gods aulter, to the end that Ieſus Chriſt mediator of
 7, God and man may confirme and maynteyne you by the
 8, cleargie and people, in this your royal ſeat and throne,
 9, who being lord of Lords and king of kings make you
 10, reigne with him and his father in the life and glory
 11, euerlaſting.

1, Thus ſaith the Archbiſhop vnto him, and
 2, after this he is led by him and the other peares,
 vnto

The arch-
 biſhops
 bleſſing
 & ſpeech
 to the
 new
 kinge.

vnto the seat royal, wher the crowne is put vp-
 pon his head, and many other large ceremoneies,
 vsed vvhich may be read in the author a fore-
 said, and are to long for this place. And yet haue
 I bin the larger in this matter of France, for
 that I do not thinke it to be improbable which
 this author and others do note, to wit, that
 most nations round about haue taken their
 particuler formes of anoynting and crowning
 their kings, from this anciēt custome of France,
 though the substance therof, I meane of ther
 sacring and anoynting, be deduced from exam-
 ples of far more antiquity, to wit, from the very
 first kings among the people of Israel, whō God
 caused to be anoynted by his priestes and pro-
 phets, in token of his election, and as a singu-
 lar priuiledge of honor and preheminence vnto
 them, wherof king Dauid made so great accōpt
 when he said to the souldiar that had killed
 Saul his enimye in the warr, *quare non timuisti*
mittere manum tuam in Christum Domini, VVhy
 diddest thou not feare to lay thy hands vppon
 the anoynted of God, and he put him to death
 for it, notwithstanding that Saul had bin long
 before deposed, and reiectēd by God, and that
 himselfe had lawfully borne armes against him
 for many daies, so much was that ceremony
 of anoynting esteemed in thos dayes, & so hath
 it bin euer since among christian people also,
 for that kings hereby are made sacred, and do
 not only perticipate vwith priestes, but also vwith
 Christ himselfe vwho hath his name of this
 I s circum-

The man-
 ner of co-
 ronations
 takē from
 France.

1. Reg. 10.
 & 16

2. Reg. 1.

2. Reg. 1.

circumstance of anoynting as al the vworld knoweth.

Probable then I say it is, that albeit the substance of this ceremony of anoynting kings be much elder then the christian kingdome of France: yer is this particuler and maiestical manner of doing the same by waye of coronation, the most ancient in France aboue al other kingdomes round about, especialy if it begin vvith ther first christian king *Clodoueus* not ful 500. yeares after Christ, as french authors do hold. At what tyme also they recount a great miracle of holy oyle sent from heauen by an angel for anoynting *Clodoueus*, vvherof they say they haue stil remaining for the anoynting of their kings at Rhemes, vvwhich point I vvil not stand to treat or discourse in this place, but rather wil refer my reader to the foresaid chapter of Francis Belforest chonicle of Fráce, vvho alleageth diuers vvriters of almost 500. yeares antiquitie that write of the same, but howsoever that be, very probable it semeth that al the ceremoneys of coronation in Germany & Polonia before recited (vvwhich had ther beginning long after the reigne of *Clodoueus*) might be taken frō thence, and so the affinity and likeness of the one to the other doth seeme to agree, and *Garribay* also the chronicler of Spayne, and of Nauarra, in his 22. booke talking of this custome of anoynting and crowning the kings of Nauarra, saith, that this excellent custome began ther (I meane in Nauarra) aboue 800. yeares past

The holy
oyle of
Rhemes.

Beisfo. I. 3.
cap. 57.

Estrenan.
Garribay.
lib. 22. c. 1

res past and vvas brought in by certaine Earles of Champayn of France named *Theobaldes* who comming to attayne that crowne brought with them that reuerent ceremony of anoynting & crowning ther kings, according to the vse of the French, which custome endureth vntil this day in that part of Nauarra, that is vnder the house of *Van'ome*, albeit in the other that is vnder the Spaniards (which is far the greater) it vvas left of in the yeare 1513. when *Ferdinande* surnamed the Catholique king of spayne entred ther-vppon, for that the Spanish kings are neuer anoynted nor crowned but otherwise admitted by the common vvealth as before I haue declared.

Kinges crowned in nauarra and not in spaine.

But among al other kingdomes it semeth that Ingland hath most particularly taken this custome, and ceremony from France, not only for the reason before alleaged that diuers of our Inglish kings haue come out of France, as *William Conqueror* borne in Normandy, king *Stephen* sonne to the Earle of *Blois*, and *Bollen*, a French man, and king *Henry the second* borne likewise in France, and sonne to the Earle of *Anjou*: but also for that in very deede the thing it selfe is al one in both nations, and albeit I haue not sene any particuler booke of this action in Ingland, as in French ther is: yet it is easy to gather by storyes what is vsed in Ingland about this affaire.

The Inglish coronation taken from the french.

Le Sacré des Roys.

For first of al, that the Archbishop of Canterbury doth ordinarily do thes ceremony in Ingland,

land, as the Archbishop of Rhemes doth it in France, ther is no doubt, & with the same solemnity and honor, according to the condition and state of our countrey: and Polidor Virgil in his story noteth that pope Alexander did interdict and suspend the Archbishop of Yorke, with his two assistants the bishops of Londō & Salisbury, for that in the absence of Thomas Becket Archbishop of Canterbury, and without his licence, they did crowne king Henry the seconds sonne, named also Henry, at his fathers perswation, and diuers do attribute the vnfortunate successe of the said king Henry the yonger that rebelled against his father, to this disorderly and violent coronation by his fathers appointment: secondly that the first thing which the said Archbishop requireth at the new kings hands at his coronatiō, is about religion, church matters and the cleargie (as in France vve haue seene) it appereth evidently by thes vvords which the same Archbishop Thomas (surnamed commonly the martyr) remayninge in banishment vvrote to the same king Henry the second which are thes. *Memores sitis confessionis quam fecistis & posuistis super altare apud westmonasterium de seruanda Ecclesie libertate, quando consecrati fuistis, & vncti in regem à predecessore nostro Thebaldo.* Which is, do you cal to your remembrance, the confession, which you made and laid vppon the aulter at vvestminster, for keping & defending the libertie of the church when you vvete consecrated and anoynted

Polid. lib.
23. hist.
Angliz in
vita Hen-
rici.

In vita
D. Thom.
Cantuar.
apud su-
mum in
mense
Decem-
bris.

noynted king by *Thebaldus* our predecessor. By which wordes appereth, that as the king of Ingland vvas consecrated and annoynted in thos dayes by the Archbishop of Canterbury, so did he sweare and giue vp his oth also in vwriting, and for more solemnity and obligation, layd it downe or rather offered it vp, vvith his owne handes vppon the aulter, so much as vvas repuired of him by the said Archbishop & cleargie, for the special safety of religion, and theis ecclesiastical liberties, which is the selfe same pointe that vve haue sene before, as vvel in the oth of the kings of Francc, as also of Polonia and Spayne, and of the Emperors both Grecian and German.

The very like admonition in effect I finde made by an other Thomas Archbishop of Canterbury, to an other king Henry, to wit by Thomas Arundel to king Henry the fourth, vvhen in a parlament holden at Couentry, in the yeare 1404. the king vvas tempted by certayne temporal men, to take away the temporalities from the cleargie, wherunto vvhen the said Archbishop Thomas had answered by diuers reasons, at last turning to the king he besought him (saith Stow) to remember the oth which he voluntarily made, that he would honor & defend the church and ministers therof. VVherfore he desired him to permit and suffer the church to enioy the priuileges and liberties which in tyme of his predecessors it did enioy, and to feare that king which reygneeth in heauen, and by whom al other kings do reigne

The
speech of
an other
Arch-
bishop
of Canter-
bury to
the King.

Stow in
vita Hen-
rici 4.

reigne morouer he desired him to consider his promise also to al the realme, which was that he would preserue vnto euery man their right and title, so far as in him lay. By vvhich speech of the Archbishop the king was so far moued, as he vwould heare no more of that bil of the layue, but said that he would leaue the church in as good estate, or better then he found it, and so he did, but yet hereby we come to learne, vwhat oth the kings of Ingland do make at ther coronations touching the Church and cleargie.

Holingsh
in his
Cro. pag.
473. &
3005.

The other conditions also of good gouernment, are partely touched in the speach of the Archbishop, and much more expiessly set downe in the king of Inglands oth, recorded by ancient wryters, for that he sweareth as both Holinshead and others do testifie, in ther inglish stories, in thes very words, to vvir.

The Kin-
ges of
England.

That he wil during his life, beare reuerence & honor vnto almightie God, and to his Catholique church, and vnto his ministers, and that he wil administer law and iustice equally to al, and take away al vnjust lawes.

Which after he had sworne, laying his handes vppon the gospels: then doth the Archbishop (turning about to the people) declare vwhat the king hath promised and sworne, and by the mouthe of a harold at armes asketh ther consents, whether they be content to submit themselves vnto this man, as vnto ther king or no, vnder the conditions proposed, wherunto when they haue yealded themselves, then beginneth the Archbishop to put vppon him the regal ornaments

as the

as the sword, the ring, the scepter, and crowne, as before in the French coronation you haue hard, and namely he giueth him the scepter of S. Eduard the confessor, and then he addeth also the same wordes of commission and exhortation as the other doth, to wit, *stand and hold thy place and kepe thy oth*, and therunto adioyneth a great commination or threat, on the behalfe of almighty God, if he should take vpon him that dignity, without fime purpose to obserue the things which this day he hath sworne, and this is the somme of the English coronation Which you may read also by piece meale in John Stow (according as other things in that his breefe collection are set downe) but especially you shal se it in the admissions as wel of the said kinge Henry the fourth now last mentioned, as also of king Edward the fourth, at their first entrances to the crowne, for in the admission of king Henry, Stow sheweth, how the people vvere demaunded thrise, *whether they were content to admit him forther kinge*, and that the Archbishop of Canterbury (who was the same Thomas Arundel of whom vve spake before) did read vnto them what this new king vvas bound by oth vnto, and then he tooke the ring, vwherwith he vvas to vved hym to the common wealth, (which vvedding importeth as you know an oth and mutual obligation on both sides in euery marriadge) and the Earle of Northumberland high Constable of England, for that day, was vvalled to shew the said ring to the

Regal ornaments.

Stow in vita Richardi 2. in fine.

Admission and Coronation of King Henry 4.

to the people, that they might thereby see the band wherby ther king vvas bound vnto them. And then it vvas put vppon his finger, and the king kissed the Constable in signe of acceptace, fel on his knees also to prayer that he might obserue his promise, and other like ceremonyes saith Stow, vvere vsed, and this vvas done the 13. of October 1359. and therefore vppō good reason might this same Archbis hope put him afterward in mynde of this his othe as before I haue shewed that he did.

The coro-
nation of
King
Edward
4.

Stowe in
vira Hēr.
6. pag.
709.

At the admission also of king Edward the fourth, Stow noteth in his Chronicle, that first the peoples consent was demaunded very solemnly in *S. Iohns* seilde by London, the 29. of February, in the yeare 1460. notwithstanding that king Edward had proued his title, by succession before in the parlament holden at westminster, and now this consent of the people being had, (or he being thus elected as Stowes words are) he went the next day in procession at paules, and offered ther, and after, *Te Deum* being song, he was with greate royaltie coueied to westminster, and ther in the haule set in the kings seat, with *S. Edwards* scepter in his hand, and then the people were asked agayne if they would haue him king, and they cryed yea yea, thus far Iohn Stow.

And if any would take exception against thes of king Henry and king Edward the 4. bicause they entred and began ther reignes vppon the deprivation of other kings then lyuing, ther are yet

are yet many liuing in England that haue seene the feneral coronations of king Edward the 6. Q. Mary & Q. Elizabeth that now reigneth, & can witnes that at al and euery of ther coronations, the consent of the people and their acceptation of thos Princes is not only demanded by the publike cry of a harolde at armes, which standeth on both the sydes of the high scaffolde or stage wherō the Prince is crowned; and the peoples answere expected till they cry yea yea: but also that the said Princes gaue there, their corporal othe vpon the Euangelists vnto the Bishop that crowned them, to vp holde & maynteyne the faith afornamed, with the liberties and priuileges of the church, as also to gouerne by iustice and law, as hath bin said: which othes no doubt haue bine sworne and taken most solemnly by all the kings and Queenes of England, from, the dayes of king Edward the Confessor at the least, and he that wil see more poyntes of thes othes set down in particuler let hym reade magna carta, and he wil be sarisfied.

By al which, and by infinite more that might be said and alleaged in this matter, and to this purpose, it is most euident, (said the Ciuilian lawyer) that this agreement, bargayne and contract betwene the king and his cōmon wealth, at his first admission, is as certayne and firme (nothwithstanding any pretence or interest he hath or maye haue by succession) as any cōtract or mariage in the vworld can be, vwhen it is

The conclusion of this chapter.

solemnized by wordes *de presenti* (as our law speaketh) betwene parties espoused before by wordes *de futuro*, vvhich is an act that expresth this other most liuely, as afterward more at large I shal shew vnto you, and consequently I must nedes affirme, to be most absurd base and impious, that flattery before mentioned of Belloy & his companions, in their bookes before cited, where he holdeth, *that only successiō of blood, is the, thing without further approbation, which maketh a king, and that the peoples consent to him that is next by birth, is nothing at al needful, be he what he wil, and that his admission, in anctiō or coronation is only a matter of external ceremony, without any effect at al, for increase or cōfirmatiō of his right; thes* (I say) are vnlearned, fond & wicked assertions, in flattery of Princes, to the manifest ruine of cōmon wealthes and peruertering of al law, order & reason, which assertiōs albeit they haue bin sufficiently (as I suppose) refuted before, yet meane I to stand a little more vppō them in this place for more euident demonstration of so important a truth, as also to see & examine what may duly be attributed to bare successiō alone, to the end that no man may thinke we meane to improue or imbase that which we esteeme in so high degree, and thinke that the best and surest way of maynteyning kingly gouernment in the world: is to haue it go by succession, as it doth at this day in Ingland, and in most other states of Europe besides, though yet with the limitations & conditions due ther-

Aburd
assertions
of Belloy.

unto, wherof I shal now beginne to treat more in particuler, but after some little pause if you please, for that this other narration hath wel wearied me.

**VVHAT IS DVE TO
ONLY SVCCESION BY
BIRTH, AND VVHAT INTE-
rest or right an heyre apparent hath to the crowne,
before he be crowned or admitted by the cōmon
Wealth, and how iustely he may be put
backe yf he haue not the other
partes requisit also.**

CHAP. VI.

VERY resonable it semed to al the whole assembly that some intermission or pause should be admitted, as the Ciuilian had required, and this aswel for the commodity of the hearers, who desired to confer together more in particuler, of the poyntes alreedy discussed, as also of the speaker, who which reason affirmed that he was somewhat weary, seing he had continued his spech so long together. And so which one consent they rose al and went into an orchard adioyning to the house, and after some houres space, returned agayne, for that euery man seemed very desirous to heare this other matter debated, of the interest of

A pause.

Princes before their coronation, for that they said, it touched the very pointe it selfe, now in question in England, and that which is like to be in action also, ere it be long, Wherefore they desired the Ciuiliā to beginne his discourse, and first of all to set downe the very words of Belloy about this matter, as also the places where he writeth the same, for that his assertions appeared to them very strainge & opposite to all reason of state & practise of the world, as also contrary to all that vvhich hitherto had bin said and treated.

Grosse flattery.

Wher-to the Ciuiliā answered, trow it is, that they are so, and more plaine and grosse flatteries then euer I haue read vttered by any man to any prince or tyrant vvhatsoeuer, albeit most of them (as you know) haue not fayled to find as shameles flatterers, as themselves were eyther wayne or vvicked princes, and for my part I am of opinion, that thes propositions of Belloy vvill rather hurt and hinder, then profit the prince for vvhom and in vvhos fauour he is thought to haue written them, vvwhich is the king of Nauarra whome hereby he would aduance (as he seemeth) and haue admitted to the crowne of France, vvithout all consent or admission of the realme. But I for my part, as I doubt not greatly of his title by propinquity of blood, according to the law *Salique*; so on the other side, am I of opinion, that thes propositions of Belloy in his behalfe, that he should enter by only title of birth, vvithout condi-

tion

tion consent or approbation of the realme, as also vvithout oth annoynting or coronation, yea of necessitie, vvithout restraint or obligation to fulfil any law, or to obserue any priuileges to church, chapel, cleargie, or nobilitie, or to be checked by the vvhole realme, if he rule amisse: thes thinges I say, are rather to terifie, the people and set them more agaynst his entrance, then to aduance his title: and therfore in my poore iudgment, it vvas nether vvisely vvritten by the one, nor politiquely permitted by the other. And to the end you may see vvhat reason I haue to giue this censure, I shal here set downe his owne propositions, touching this matter, as I find them in his owne words, First then he auoutcheth, *that al families which enioye kingdomes in the world were placed therein by God only and that he alone can chāge the same*, which if he refer vnto gods vniuersal prouidence *qua attingit à fine vsque in finem fortiter* as the scripture saith, and vvithout vvhich a sparrow falleth not o the grownd, as our saviour testifieth, no man wil deny, but al is from God, ether by his ordinance or permission, but if we talke (as we do) of the next & immediate causes of empyres, princes, & of ther chāges; cleere it is, that men also do & maye concure therin, and that god hath left them lawfull authority so to do, and to dispose therof for the publique benefit, as largely before hath bin declared, & consequently to say that god only doth thes thinges & leaueth nothing to mans iudgemēt therin is

The propositions of Belloy apolog. cash. part. 2. §. 7.

Matth. 6.

agaynst al reason vse & experience of the world.

The second proposition of Belloy is, *that where such princes be once placed in gouernment, and the law of succession by birth established, there the princes children or next of k ynnē do necessarily succede, by only birth, without any new choise or approbation of the people, nobilitie, or cleargie, or of the whole common wealth together.* And to this assertion he ioyneth an other as straing as this, which is, *that a king neuer dieth for that whēsoeuer or how-soeuer he ceaseth by any meanes to gouerne, then entreteth the successor by birth not as heyre to the former, but as law-ful gouernour of the realme without any admission at al, hauing his authority only, by the condition of his birth and not by adoption or choise of any.* Which two propositions albeit they haue bin sufficiently refuted, by that which hath bin spoken in the last two chapters going before, yet shal I novv agayne conuince more amply the vnttruth therof.

Other two propositions he addeth, which partly haue bin touched and answered before, and yet, I meane to repeat them agayne in this place for that they appertayne to this purpose, his former is, *that a prince once entred to gouernment, and so placed as hath bin said ys vnder no law or restrainte at al, of his authority, but that himselfe only is the quick and liuing law, and that no limitation can be giuen vnto him by any power vnder heauen, except it be by his owne wil, and that no nation or common wealth can appoynt or prescribe how they wil obey or how their prince shal gouerne them, but must leaue*

his

2.
Apolog.
Cathol.
part. 1. pa-
rag. 7.

3.
Apolog.
pro rege.
c. 6. & 34.

4.
Apolog.
Cathol.
part. 2. pa-
rag. 7. &
pro rege
cap. 9.

his authority free from al bandes of law, and this eyther willingly or by violence, is to be procured. By which vvordes it semeth that he paynteth out a perfect paterne of a tyranical gouernment, vvhich how it may further the king of Nauatres pretence, in the case he standeth in presently in France, I do not see.

His other proposition is, That albeit the heyre apparent which is next by birth to any crowne, should be neuer so impotent, or vnfit to gouerne, as if (for examples sake) he should be deprived of his senses, madd, furious, lunatique, a foole or the like, or that he should be knowne o the other side to be most malicious, Wicked, vicious or abhominable, or should degenerat into a very beast, yea if it were knowne that he should go about to destroy the common wealth, and drowne the shipp which he had to guide, yet (saith this man) he must be sacred and holy vnto vs, and admitted without contradiction to his inheritance, which God & nature hath laid vppon him, & his direction restrain or punishment must only be remitted to God alone, for that no mā or cōmun wealth, may reforme or restraine him. Thus saith Belloy, which I doubt not vvil seme vnto you rather belly and base doctrine, then to come from the head of any learned or discret man, that regardeth the end why common vvealthes and kingdomes and al gouernments vv ere ordeyned by God and nature, and not the flattering or adoring of any one miserable man that shal stand ouer them to destroy the vvhole.

5.
Apolog.
pro rege
cap. 20.

But nowv to the particuler matter that vve

are to treat, vvhich is, vvhat is to be attributed to this succession or propinquity of birth alone, I am of opinion, as before I signified, that albeit ther vvant not reasons on both sides among learned men, vvhat kinde of providing gouernors to common vvealthes is best, either by simple and free election only, or by succession of birth: my opinion (I say) is, that succession is much to be preferred, not for that it vvanteth al difficulties and inconueniences (vvhich al temporal things vppon earth haue) but lyke as before I haue shewed of the particular gouernment of a monarchie in respect of other formes of regimēt, to vvith, that it wanted not al, but had fevver inconueniences then other formes of regiment haue, so say I also of this, that albeit some inconueniences want not in succession; yet are they commonly far lesse and fewer, then would follow by mere electiō, vvhich is subiect to great and continual dangers of ambition, emulation, diuision, sedition, and contention, which do bring vvith them euident peril of vniuersal destruction & desolation of the vvhole body, & this at euery change of the Prince, vvhich change on the other side, is much assured by succession, for that great occasions of strife and contention are ther by cut of.

And besides this, the Prince vvho is in present possession knowing that his sonne or next of kynn, is to be his heyre, hath more care to leaue the realme in good order, as vve see that

Successiō
of princes
by birth
better then
mere
election
& vvhy?

1. reason.

2.

the

the husband man hath to til and manure that ground, vvhich is his owne, and to remayne to his posterity.

A third commodity also ther is, for that lesse mutations and alterations are seene in the common vvealth, vvhether succession preuayleth, for that the sonne following his father, doth commonly retayne the same friends, counsellors, officers, and seruants, vvhich his father had before him: pursueth the same actions and intentions, vvvith the same manner of proceeding for the most part; vvhether as he that entereth by election, being an allien to him that vvent before him, & neuer lightly his friend, doth change alter and turne vplidowne, all things.

Further more (which may be also a fourth reason) he that entereth by succession, for that he is either borne a Prince, or hath bin much respected stil for his title to the crowne, bringeth vvvith him lesse passions of hatred, emulation, anger, enuy, or reuenge agaynst particuler men (for that no man durst offend him) then doth he vvhich entreteth by only election, for that he hauing bin a subiect and equal to others before his aduancement, and therby holden contention with many, especially at this election, must needs haue matter of quarrel with many, vvhich he vvill seeke easily to reuenge whē he is in authority, as on the other side also such as were his equales before wil beare him lesse respect & more vnwillingly be vnder him, then if by birth he had bin ther soueraine.

The pre-
 heminenc
 of primo-
 genitura.

Thes and diuers other are the commodities
 of succession, whervnto vve may also ad the
 preheminence and priuilegde of primogenitu-
 ra, and auncetrie of birth, so much respected
 & commended by holy writ, not only in men,
 but in al other creatures also, whos first borne
 were dedicated to God him selfe, and one no-
 table example among other occurreth to my
 mynde of the two sonnes of Isaac, of the which
 two albeit God had ordeyned to chuse the
 yonger before he was borne, at S. Paul testi-
 fieth, and to reiect the elder, that is to say, that
 Iacob should inherite the benediction and not
 Esau: Yet would God haue this yonger to pro-
 cure the said priuilege of elder ship fro Esau by
 diuers meanes as first by bargaine, and after by
 guile according to the storie we read in Genes.
 Out of which story two points may be ponde-
 red much to our purpose, first that primogeni-
 tura or elder ship of birth (as I haue said) was
 greatly respected by God, and according to that,
 al the discents and successions of kinges were
 commonly among that people, for that ordi-
 narily the eldest sonne euer succeeded his father
 in the crowne of Iury. And the second pointe
 is, that God would shew euen in this begining,
 that yet this priuilege was not so inuiolable,
 but that vppon iust causes it might be broken,
 as it was by this his choyse of Iacob the yonger,
 and reiecting Esau the Elder: and many times
 after in matter of gouernment the same was
 practised by God him selfe, as vwhen Iuda the
 fourth

Genes. 15
 & 49.
 Deut. 21.
 & 15.
 2. Paralip.
 21. & 3.
 Exod. 3.
 & 2.
 Rom. 9.
 & 13.

Genes. 23
 & 27.

Two
 points to
 be noted.

fourth tribe and not Ruben the first & eldest was appointed by God to enioy the scepter and crowne of the Iewes, as also when king David dyed, not his first second or third sonne, but his tenth in order, to wit, *Salomon*, who was also the fourth that he had by *Bersabee*, vvas appointed for his successor.

Genes. 29
& 49.
Exod. 1.

2. Reg. 5.
1. Paral. 3.

So that in very deede we haue here both our two cases, that were propounded in the beginning, querruled and determined by authority and example of holy writ it selfe, namely and first of al, that priority and propinquity of blood in succession, is greatly to be honored regarded and preferred in al affaires of dignity and principallity, and yet (which is the second point) are we not so absolutly & peremptorily bound therunto alwayes, but that vppon iust and vrgent occasions that course may be altered and broken.

Two cases
resolved.

Which licence or liberty is indeed, the only (or at least wise) the most principal remedy for such inconueniences as do or may ensue of the course of succession, vvhich inconueniences as before I shewed to be far lesse and fewer then are wont to follow of bare election alone, yet did I confesse also, that some did or might fall out, as namely that the person vvhich by succession of blood is next, may be vnable or vnfit or pernicious to gouerne, in vvhich cases the remedy is (as before hath bin declared) ether to helpe and assist him by lawes directions and vvhise counsell, if he be capable therunto or els

The reme-
dies of
inconue-
niences
by succe-
sion.

or els to remoue him and take in another of the same blood royal (though further of in degree or propinquity) in his place.

And this is and hath bin the custome and practice of al kingdomes and common wealthes from the beginning, since succession hath bin established among them, as afterwards I shal demonstrate vnto you by great store of euident examples and presidentes, & by this meanes we come to remedy the difficulties and inconueniences of both kindes of making our kings and princes, vvhich are election, and succession, as hath bin said: for by succession we do remedy the inconueniences and dangers

Election
& succession
do helpe the
one the other.

before mentioned of bare election, to wit of strife, banding, ambition, and the like: and by this other meane of adding also election consent and approbation of the realme to succession, we remedy the inconueniences of bare succession alone, vvhich inconueniences are principally, that some vnapt impotent or euell prince may be offered some times to enter by priority of blood, vvhich the realme may deliuer it selfe, by this other meanes of not admitting him, so as election by succession, and succession agayne by election is salued, & the one made a preseruatiue and treacle to the other: & this is the vvisdome and high policie left by God and nature, to euery common wealthe, for ther owne conseruation and maintenance, and euery man that is of reason and iudgment, and void of passion wil not only allow, but also

also highly commend the same.

Now then to answer in particuler to the two questions made at the beginning of this speech, to wvit, vvhhat is to be attributed to succession alone, and secondly vvhhat interest a prince hath ther-by to any crowne, before he be crowned or admitted by the cōmon vvealth:

Answer
to the 2.
principal
questions

To the first I say, that to succession alone or priority of blood only, great honor, reuerence, and respect ought to be borne, as before hath bin declared, for that it is the principal circum-

Successio:
greatly to
be respec-
ted.

stance and condition vvhich leadeth vs to the next succession of the crowne infably, and vwithout al strife: if his propinquity be cleare and euident, and that other necessary circumstances and conditions do concurr also in the same person, vvhich condicions vvere appointed and set downe at the same time, and by the same authority that this law of succession vvas establis hed, for that both the one & the other of thes two points, vvere ordeyned by the common vvealth, to wvit that the elder and first in blood should succede, and that he should be such a person as can and vvill gouerne to the publique vveale of al, as often and largely before hath bin auouched and proued.

To the second question I answer, that an heyre apparent to a crowne before his coronation and admission by the realme, if he haue the conditions before required, hath the same interest to the kingdome, vvhich the king of Romans, or *Cesar* hath to the Germane em-

VVhat an
heyre ap-
parent is
before his
coronatio

pyre after his election and before he be crowned: or to vse a more famillier example to English men, as the Mayor of London hath to the mairaltie; after he is chosen and before he be admitted, or haue taken his oth. For as this man in rigour is not truly mayor, nor hath not his iurisdiction before his oth and admission, nor the other is properly Emperor before he be crowned, so is not an heyre apparent; truly king though his predecessor be dead, and he next in succession, vntil he be crowned or admitted by the common vvealth.

Examples
of marriage.

An other example is ther in mariage also vvhetherby our matter is made more playne, for in this contract go both the betrothing and actual ioyning together of the parties in wedlock, the first is done by wordes *de futuro* or for the time to come, and is not properly mariage, but espousal only, the other is by vvoids *de presenti* that is by mutual present consent giuen of both parties, and this seconde is only and properly true mariage, which two points are expressly represented in the state of an heyre apparent and of a crowned king, for that the heyre apparent by propinquity of blood, is only espoused or betrothed to the common wealth, for the time to come, and is married afterwards by present mutual consent, of both parties, in the contract and knitting vp of the matter, at his coronation, by the othes vvhich ether part maketh the one to take the other, & by putting on the ring and other wedding garments before men-

re'mentioned in ther coronations, by al vvhich the heyre apparent, (vvhich before vvas but espouse,) is made now the true king and husband of the common vvealth, vvhich before he was not, by only succession, but only a betrothed spouse or designed king, as hath bin declared.

Wherfore it followeth also, that the common vvealth oweth no allegiance or subiection vnto the heyre apparent in rigour of iustice, vntil he be crowned or admitted, though his predecessor be dead, for that in very deede vntil that time, he is not ther true king & soueraine, though for better keping of order & auoyding of tumults, al common wealthes lightly that haue ther princes by succession, haue ordeyned in thes later ages, that from the death of the former princes, al matters of gouernment shal passe in the name of his next successor (if his succession be cleere) and this (as I say) for auoyding of garboyles, and vnder supposal of confirmation and approbation afterward of the comon wealth, at his coronatiō, for which cause also, and for better accompt of yeares, it was ordeyned that the beginning of the successors reigne, should be reconed from the day of the death of his predecessor, and not from the day of his coronation, as otherwise in rigor it ought to be, and as in old time it was accustomed to be as Girard secretary and chronicler of France, doth wisely note, in his third booke of the estate and affaires of France, to wit, that

VVhat respect is devv to au heyre apparent.

VVhy Princes do cōpt ther yeares from the death of ther predecessors.

Girard du Haillan l. 3. de l'estate pag.

kings in old time vvere vvont to accompt the yeares of ther reignes from the day only of ther annoynting and coronation.

No heyre
apparent
K. before
his coro-
nation.

This pointe also that heyres apparent are not true kings vntil ther coronation, how iust soeuer ther title of succession otherwise be, and though ther predecessors be dead; it might be confirmed by many other arguments, but especially and aboue al others, for that the realme is asked agayne three times at their coronatiō, *Whether they wil haue such a mā to be king*, or no, as before hath bin shewed, which thing vvere in vayne to aske if he vwere truly king, as Belloy sayeth, before his coronation.

An eu-
dent Ar-
gument.

Againe we see in al the formes and different manners of coronations, before recited, that after the prince hath sworne diuers times to gouerne wel and iustly, then do the subiects take other othes of obedience and allegiance and not before, which argueth that before they were not bounde vnto him by allegiance, and as for the princes of England, it is expressly noted by Inglish historiographers in ther coronatiōs, how that no allegiance is dew vnto the before they be crowned, & that only it happened to Henry the fifth, among al other kinges his predecessors to haue this preuilege, and this for his exceding to-wardlynes, & for the great affection of the people towards him, that he had homage donne vnto him before his coronation, and oth taken. Wherof Polidor writeth in thes wordes: *Princeps Henricus facto patris fu-*

A rare
example
of King
Henry V.

*Here, concilium principum apud V Vestmonasterium con-
 uocandum curat, in quo dum de rege creando more ma-
 iorum agitabatur, esse tibi, continuò aliquot Principes
 vltro in eius verba mirare cœperunt, quod beneuolentia
 officium nulli antea priusquam rex renunciatus esset,
 præstitum constat, adeo Henricus ab ineunte atate spem
 omnibus optima iudolis fecit. Which in English is
 this, Prince Henry after he had finished his fa-
 thers funerals, caused a parliament to be gather-
 ed at Westminster, wher vvhiles consultation
 vvas had, according to the ancient custome of
 England, about creating a new king, behold
 vppon the sudden certaine of the nobility of
 ther owne free vvilles, began to sweare obe-
 dience and leyalty vnto him, vvhich demon-
 stration of loue and Good vvil, is wel knowne,
 that is was neuer shewed to any Prince before,
 vntil he vvas declared king: so great vvas the
 hope that men had of the towardlynes of this
 Prince Henry, euen from his tender age, thus
 far Polidor in his story of Inglād. And the very
 same thing expresseth Iohn Stow also in his
 chonicle in thes vvordes. To this noble Prince by
 assent of the parliament, at the states of the realme after
 three dayes offred to do fealtie before he was crowned,
 or had solemnized his oth wel and iustly to gouerne the
 common wealth, which offer before was neuer found
 to be made to any Prince of England, thus much Stow.
 in vvwhose narration as also in that of Polidor it
 may be noted: that king Henry the fift vvas
 not called king vntil after his coronation, but
 only Prince, though his father king Henry the*

Polydor.
 virg. lib. 2.
 22. histor.
 Angliæ in
 vita Hen-
 rici V.

Stow in
 the begin-
 ning of
 the life of
 king Hen-
 ry V.

Notes of
this act.

2.

fourth had bin dead now almost a month before, and secondly that the parliament consulted *de Rege creando more maiorum*, (as Polidor his vvords, are) that is, of making a new king according to the ancient custome of ther auncestors, vvhich argueth that he vvvas not yet king, though his father were dead, nor that the manner of our old English ancestors, vvvas to accompt him so, before his admission.

8.

4.

Thirdly that this demonstration of good wil of the nobility to acknowledge him for king before his coronation, *and oth solemnized wel and iustly to gouerne the realme*, was very extraordinary and of meere good wil. And last of al, *that this was neuer donne to any Prince before king Henry the first*, al which pointes do demonstrate, that it is the coronation and admission, that maketh a perfect and true king, whatsoeuer the title by succession be otherwise, & that except the admission of the common wealth be ioyned to succession, it is not sufficient to make a lawful king, and of the two, the second is of far more importance, to vvite the consent and admission of the realme, then neernes of blood by succession a-lone.

Admissiō
of more
importan
ce then
Successiō.

This I might proue by many examples in England it selte wher admission hath preuayled against right of succession, as in William Rufus that succeeded the Conquerer, and in king Henry the first his brother, In king Stephen, king Iohn and others, vvho by only admission of the realme were kings, against the order of succession,

ſucceſſion, aſaſter more at large I ſhal ſhew you in a particuler ſpech vvhich of this point, I ſhal make unto you, and very ſpecially it may be ſeene, in the two examples before mentioned of the admiſſion of the two kings Henry and Edward, both ſurnamed the fourth, vvhoſ entrances to the crowne, if a man do vvell conſider, he ſhal find that both of them, founded the beſt part and moſt ſureſt of their titles, vpon the election conſent, and good wil of the people: yea both of them at their dying dayes hauing ſome remoiſe of cōſcience (as it ſemed) for that they had cauſed ſo many men to dye for mayntenance of ther ſeuerall rightes and titles, had no better way to appeaſe ther owne mynds, but by thinking that they were placed in that ſome by the voice of the realme, and conſequēty might lawfully defend the ſame, & puniſh ſuch as went about to depriue them.

See theſe laſt vvords to ther friends in Sir Tho Moore & Storr.

Moreover you ſhal finde, if you looke into the doings of Princes in al ages, that ſuch kings as vv ere moſt politique, and had any leſt doubt or ſuſpicion of troubles about the title, after ther deathes, haue cauſed their ſonnes to be crowned in their owne dayes, truſting more to this, then to their title by ſucceſſion, though they vv ere neuer ſo lawfully & lineally diſcended. And of this I could alleage you many examples out of diuers countreyes but eſpecially in France. ſince the laſt lyne of Capetus came vnto that crowne, for this did Hugh Capetus himſelfe procure to be donne, to Robert his

Vvhy diuers kings cauſed ther ſonnes to be crowned in ther owne dayes.

eldest sonne, in his owne dayes, and the like did king Robert procure for his yonger sonne Henry the first, as Girard holdeth, and excluded his elder only by crowning Henry in his owne daies: Henry also did entreat the states of France (as before you haue hard) to admitt & crowne Phillip the first, his eldest sonne, vvhiles himselfe reigned, and this mans sonne *Luys le Gros*, did the same also vnto two sonnes of his: first to Phillip, and after his death to Luys the yonger, both vvhich vvhere crowned in ther fathers life time, & this Luys agayne the yonger, vvhich is the seuenth of that name, for more assuring of his sonne named Phillip the secod, entreated the realme to admit & crowne him also in his owne dayes, vvith that great solemnity, vvhich in the former chapter hath bin declared.

And for this very same cause of securitie, it is not to be doubted, but that alvvayes the prince of Spayne is sworne and admitted by the realme, during his fathers reigne, as before hath bin said. The same consideration also moued king Dauid, to crowne his sonne Salomon in his owne dayes, as aftervvard more in particular shalbe declared, and finally our king Henry also the second of England, considering the alteration that the realme had made in admitting king Stephen, before him, against the order of lineal successiō by propinquity of blood: and fearing that the like might happen also after him, caused his eldest sonne named, likewise

Hirrd du
Haillan.
lib. 6. hist.
an. 1001.
An. 1032.
An. 1061.

An. 1131.

An. 1180.

3. Reg. 1.

Polyd. &
Stovv in
vita Hen-
rici 11.

wife Henry, to be crowned in his life time, so as England had two king Henries liuing at one tyme, vvith equal authoritie, and this was done in the 16. yeare of his reigne, and in the yeare of our lord 1170. but his deuise had no good successe, for that king Henry the yonger made war soone after vppō king Henry the elder, & had both the kings of France and Scotland, & many nobles of England and Normandie, to take his part, for which cause it is thought, that this thing hath neuer bin put in practise againe since that tyme in England, but yet heerby it is euident, what the opinion of the world vvvas in those daves, of the force of coronation, and admission of the common vvealth, & how litle propinquitie of blood preuaileth vvithout that.

And for more ample profe heerof and fuller cōclusion of al the whole matter, I had thought to haue laid downe also in this place, some number of the most notorious examples, that I haue read, (for I haue read many) vvherin the commō vvealth vppon iust occasions hath extended her authority to alter the natural course of succession by birth, but for that the thing requireth, some litle study and loking ouer some notes, that I haue taken out of stories, for helpe of memorie: I shal deferr it vntil our next meeting, at vvhat tyme I shal by Gods grace make this pointe very cleere, and so ende my vvhole discourse, for I see that I haue bin much longer then at the begiuning I purposed

The occasion of the next chapter.

and now I desire much to giue place vnto our temporal lawyer, heere present, vwho (I doubt not) hath matter to say of more delectation & pleasure, then this, though you of your curtesies haue done me so much fauour as to heare me hitherto vvith patience and attention. Whervnto the vvhole company answered, that not vvith patience, but vvith great pleasure delight and contentation, they had hard him, and so they vvould do the temporal lawer also in his turne, but yet they desired him that nothing of this discourse might be omitted, but vvholly finished, for that it gaue very great satisfaction to al, and opened many important pointes vnto them, vvwhich they had neuer thought of before, and vvith this they parted for that night euery man vnto his logging & habitation.

HOVV THE NEXT IN
SVCCESION BY PROPIN-
QVITY OF BLOOD, HATH OFTEN-
tymes bin put back, by the common wealth, & others
further of admitted in their places, euen in those
kingdomes where succession preuaileth, with
many examples of the kingdomes of
Israel, and Spayne.

CAP. VII.

AT the next meeting the Ciuilian came in very pensiue, as though his head had bin
ful of

ful of study, vvhherof being asked the reason, he answered, that he had resolued many stories since his departure about the pointe vvhich he promised to treat of, & that he had found such store and great variety of matter, as he knew not vvel vvherto begin, and much lesse where to end: for (quoth he) if I should begin with the Gretian kings before mentioned, it vvere infinite that might be alleaged, and perhaps some man vvwould say, they vvere ouer old, and far fetched examples, and cannot be presidents to vs in these ages, & if I lay before you the examples of Romane kings and emperors put in and out, against the law and right of succession: the same men perhaps vvil answer, that it vvas by force, and iniury of mutinous souldiars, whervnto that common wealth was greatly subiect. And if I should bring forth any presidents and examples of holy scriptures, some other might chance to reply, that this was by particuler priuilege, vvherein God almightie would deale and dispose of things against the ordinary course of mans law, as best liked himselfe, whose wil is more then law, and whose actions are right it selfe, for that he is lord of al, and to be limited by no rule, or law of man, but yet that this is not properly the acte of a common wealth as our question demanndeth.

Thus (I say) it may be, that some man would reply, and therefore hauing store inough of plaine and euident matter, vvhich hath no exception, for that it hath happened in sealed

commō vvealthes, & those neere home, where the law of succession is receaved and establisshed, to vvir, in Spayne, France, and Ingland: I shal retyre my selfe to them alone: but yet putting you in mynd before I passe any further, that it is a matter much to be marked how god delt in this poynt vvith the people of Israel, at the beginning, after he had graunted to them, that they should haue the same gouernment of kings, that other nations round about thē had, vvhos kings did ordinarily reigne by succession as ours do at this day, and as al the kings of the Iewes did afterwards, and yet this notwithstanding, God at the beginning, to vvit, at the very entrance of their first kings, vvould shew playnely that this law of succeding of the one the other, by birth and propinquity of blood, (though for the most part, it should preuaile) yet that it was not so precisely necessary, but that vppon iust causes it might be altered.

For prooffe wherof, we are to consider, that albeit he made Saule a trew and lawful king ouer the Iewes, & consequently also gaue him al kingly priuileges benefites and prerogatiues belonging to that degree and state, wherof one principal (as you know) is to haue his children succede after him in the crowne: yet after his death God suffred not any one of his generatiō to succed him, though he left behinde him many children, and among others *Isboseth* a prince of 40. yeares of age vvhom *Abner* the general captayne of that nation, with eleuē tribes followed

The example of
the Iewes
1. Reg. 8.

King Saule

1. Reg. 2.
& 21.

followed for a tyme, as their lawful lord and master by succession, vntil God checked them for it, and induced them to reiect him though heyre apparent by discent, and to cleaue to Dauid newly elected king, vvho vvvas a stranger by birthe, & no kynne at al to the king decaled.

And if you say heere that this vvvas for the sinne of Saule, vvhom God had reiectet, I do confesse it, but yet this is nothing against our purpose, for that vve pretend not that a prince that is next in blood can iustly be put back, except it be for his owne defects, or those of his ancestors. And moreouer I vvould haue you consider, that by this it is euident, that the fault of the father may preiudicate the sonnes right to the crowne, albeit the sonne haue no parte in the fault, as vve may se in this example not only of *Isboseth* that vvvas punished and deprived for the offence of Saul his father (not vvithstanding he had bin proclaymed king as hath bin said) but also of *Ionathas* Saules other sonne, vvho vvvas so good a man, and so much praysed in holy scripture, & yet he being slayne in warr, and leauing a sonne named *Miphiboseth* ^{2.Reg.9.} he vvvas put back also, though by nearnes of blood he had great interest in the succession as you see, and much before Dauid.

But Dauid being placed in the crowne by election, free consent, & admission of the people of Israel, as the scripture playnly testifieth (though by motion and direction of God him- selfe) we must confesse, and no man I thinke

An obiection answered.

2.Reg.9.

King Dauid made by electio

2.Reg.2. & 5.

Psal. 131.

2. Paral. 6.

vvil deny, but that he had giuen vnto him ther
whith, al kingly priuileges preheminences and
regalities, euen in the highest degree, as vvas
conuenient to such a state, and among other,
the scripture expressly nameth, that in particu-
ler it vvas assured him by God, that *his seede*
should reigne after him: yea and that for euer, but yet
vve do not finde this to be performed to any
of his elder sonnes (as by order of succession it
should seme to appertaine) no nor to any of
their of-spring or discents, but only to Salomō,
vvhich was his yonger and tenth sonne, and
the fourth only by *Bersabee*, as before hath bin
touched.

Adonias
the elder
sonne re-
jected.

3. Reg. 1.

Trew it is, that the scripture recounteth how
Adonias Dauids elder sonne, that vvas of rare
bewty & a very godly yong prince, seing his fa-
ther now very old & impotent, & to lye on his
death bedd, & himsele heyre apparent by anti-
quitie of bloode, after the death of Absalon, his
elder brother that was slayne before, he had de-
termined to haue proclaimed himself heire ap-
parēt in Ierusalem before his father died, & for
that purpose had ordeyned a greate assembly &
banquet, had called vnto it both the high preist
Abiathar, & diuers of the cleargie, as also the ge-
neral captaine of al the army of Israel named
Ioab. With other of the nobility and vvith thē al
the rest of his bretherē, that werē sonnes to king
Dauid, sauing only Salomō, together vvith ma-
ny other princes & great men, both spiritual &
temporal of that estate, and had prepared for
them

them a great feast as I haue said, meaning that very day to proclayme himsef heyre apparent to the crowne, and to be crowned, as in deed by succession of blood it appertayned vnto him: and this he attempted so much the rather, by counsell of his friends, for that he saw the king his father very old and impotent, and redy to dye, and had taken no order at al for his successor, and moreouer *Adonias* had vnderstood, how that *Bersabee* Salomons mother had some hope to haue her sonne reigne after *Dauid*, vppon a certaine promise that *Dauid* in his youth had made vnto her therof, as also she had in the special fauour and friendship which *Nathan* the Prophet, and *Sadoc* the preist (who could do much vvith the old king *Dauid*) did beare vnto her sonne *Salomon*, aboue al the rest of his brethren.

The mo-
tines of
Adonias:

Herevppon (I say) these two that is to saye, *Queene Bersabee* & *Nathan* the Prophet, coming together to the old man, as he lay on his bedd, and putting him in mynd of his promise, and oth made to *Bersabee* for the preferment of her sonne, and shewing besides how that *Adonias* without his order and consent, had gathered an assembly to make himsef king, euen that very day (which did put the old king in very great feare and anger) and further also telling him (vvhich pleased him vel) *quod oculi totius Israel in eum respicerent, vt indicaret eis, quis federet in solio suo post ipsum*: that is, that the eyes of al *Israel* vvere vppon him to see whom he would

Persuasiōe
to King
Dauid to
make *Salomon* his
successor.

3. Reg. 1.

would commend vnto them, to sit in his seat after him, which was as much to say, as that the vyhole commō wealth referred it to his choise, which of his sonnes should reigne after him.

The coronation of Salomon.

3. Reg. 1.

Vppon these reasons and perswasions (I say) the good old king was cōtent that they should take Salomon out of hand, and put him vppon the kings owne mule, and carry him about the streets of Ierusalem, accompaigned whith his gard and court, and crying whith sound of trumpets *Vivat Rex Salomon*, and that Sadoc, the preist should annoynt him, and after that he should be brought back, and placed in the royal throne in the pallace, and so indeed he was: at what time king David himselfe being not able through impotencie, to rise out of his bedd, did him honor and reuerence from the place vvhether he laye: for so saith the scriptures *adorauit rex in lectulo suo*, king David adored his sonne Salomon thus crowned, euen from his bedd, al vvhich no doubt thoughe yt may seeme to haue bin vvrought by humane meanes and pollicy, yet must vve confesse that it vvas principally by the special instinct of God himselfe, as by the sequel and successe vve see, so that hereby also vve are taught, that these & like determinations of the people, magistrates, & cōmon vvealthes, about admitting or refusing of princes to reigne or not to reigne ouer them, vvhether their designements are to good endes, and for iust respects and causes, are allowed also by God, and oftentimes, are his owne

A poynt to be noted.

owne special dirctes and dispositions, though they seme to come from man.

Wherof no one thing can giue a more euident prooffe, then that which ensued afterward to prince *Roboam*, the lawful sonne and heyre of this king *Salomon*, who after his fathers death comming to *Sichem* wher al the people of *Israel* vvere gathered together, for his coronation, and admission, according to his right by succession. For vntil that time vve see he was not accounted true kinge, though his father was dead, and this is to be noted, the people began to propose vnto him certayne conditions, for taking away of some harde and heauy impositions, layed vppon them by *Salomon* his father, (an euident president of the oth and conditions that princes do swere vnto in thes dayes at their coronation) vvhervnto vwhen *Roboam* refused to yeild, ten tribes of the twelue refused to admit him for their king, but chose rather one *Ieroboam* *Roboams* seruant, that was a meere stranger and but of poore parentage, & made him ther lawful king, & God allowed therof as the scripture in expresse vvords doth testifie: and vwhen *Roboam* that toke himselfe to be openly iniured heerby, vvould by armes haue pursued his title, and had gathered together an armie of a hundred and fower score thousand chosen souldiars (as the scripture sayeth) to punish thes rebells as he called the, & to reduce thes io tribes to their due obediēce of ther natural prince: God appeered vnto one

The manner of admission of the prince *Roboam*.

3. Reg. 12.

2. Reg. 11.

5. Reg. 12. & 21.

Semeia a holy man, & had him go to the campe of *Roboam*, and tel them playnely that he would not haue them to fight against ther brethern, that had chosen an other king, but that euery man should go home to his house, and liue quietly vnder the king, vvhich each party had, and so they did, and this was the end of that tumult, vvhich God for the sinnes of *Salomon* had permitted and allowed of. And thus much by the way I thought good to touch out of holy scripture, concerning the Iewish cōmon wealth, euen at the beginning, for that it may giue light to al the rest vvhich after I am to treat of, for if God permitted and allowed this in his owne common wealth, that vvas to be the exāple and paterne of al others, that should ensue: no doubt but that he approueth also the same in other realmes vvhē iust occasions are offered, either for his seruice, the good of the people and realme, or els for punishment of the sinnes and wickednes of some princes, that the ordinary line of succession be alited.

Fourc races
of
Spanish
Kings.

Ambros.
moral.
lib. 11.

hist. c. 12.

Now then to passe on further, and to begyn with the kingdomes of *Spayne*, supposing euer this ground of Gods ordenance, as hath bin declared: first I say, that *Spayne* hath had three or foure races or discents of kings, as *France* also and *England* haue had, and the first race was from the *Gothes*, which began their raigne in *Spayne* after the expulsion of the *Romans*, about the yeare of *Christ* 416. to whō the *Spaniard* referreth al his old nobility, as
the

the french man doth to the German Franckes, and the English to the Saxons, which entred France and Ingland in the very same age, that the other did Spayne, & the race of Gothys kynges indured by the space of 300. years vntil Spayne was lost vnto the Moores.

The second race is from *Don Pelayo* that was chosen first king of *Asturias*, and of the mountayne countrey of Spaine, after the distruction therof by the Moores, about the yeare of Christ 717. as before hath bin touched, which race contynewed & increased, & added kingdome vnto kingdome for the space of other three hundred yeares, to wit vntil the yeare of Christ 1034. when *Don Sancho* mayor king of Nauarra gat vnto his power, the Earldome also of Aragon and Castilia, and made them kingdomes, and deuided them among his children, and to his second sonne, named *Don Fernando*, surnamed after ward *the great* he gaue not only the said Earldome of Castilia with title of kingdome, but by mariynge also of the sister of *Don Dermudo* king of Leon, and Asturias, he ioyned al those kingdomes together, & so began from that day forward the third race of the kings of Nauarra to reigne in Castel, and so indured for fyue hundred yeares vntil the yeare of Christ 1540. when the house of Austria entred to reigne ther, by mariage of the daughter and heyre of *Don Ferdinando* surnamed *the Catholique*, and this was the fourth race of Spanish kings after the Romans, which endureth vntil this day.

2. Race.

Ambros.
moral.
lib. 13. c. 2Moral.
lib. 37. c. 1
42. 43. 44.

3. Race.

Garibay
lib 20 c. 2

4. Race.

And

Examples
of the first
race.

And albeit in al thes foure races and ranckes of royal discentes, diuers exâples might be alleaged for manifest prooffe of my purpose: yet will I not deale with the first race, for that it is euident by the counsels of Toledo before alleaged (which were holden in that very time) that in thole dayes expresse election, was ioyned with succession, as by the deposition of king Suintila and putting back of al his children: as also by the election & approbation of king Sisinando that was further of by succession, hath bin insinuated before, & in the fyft council of that age in Toledo, it is decreed expressly in these wordes: *Si quis talia meditatus fuerit* (talking of pretending to be king) *quem nec electio omnium perficit, nec Gothica gentis nobilitas ad hunc honoris apicem trahit: sit consortio Catholicorum priuatus, & diuino anathemate condemnatus.* If any man shal
 ” imagin (said thes fathers) or go about to aspire
 ” to the kingdome, whom the election & choise
 ” of al the realme, doth not make perfect, nor
 ” the nobility of the Gotish nation, doth draw
 ” to the height of this dignity: let him be de-
 ” priued of al Catholique society, and damned by
 ” the curse of almighty God, by which woords is
 ” insinuated, that not only the nobility of Go-
 ” tish blood, or neernes by succession was requi-
 ” red for the making of ther king, but much
 ” more the choise or admission of al the real-
 me, wherein this council putteth the perfection
 of his title.

The like determinatiō was made in an other
 council

Concil.
Tol. s.c. 3.

council at the same place, before this that I haue alleaged, & the vvordes are these. *Nullus apud nos presumptione regnum arripiat. sed defuncto in pace principe, optimates gentis cum sacerdotibus successorem regni communi concilio constituent.* Which in English is thus, let no man with vs snatche the kingdome by presumption, but the former Prince being dead in peace, let the nobility of the nation, together with the Priests and cleargie, appoint the successor of the kingdome, by common council, which is, as much to say as if he had said, let no man enter vppon the kingdome by presumption of succession alone, but let the Lords temporal and spiritual, by common voice, see vvhat is best for the vveal publique.

Now then, according to thes ancient decrees, albeit in the second race of *Don Pelayo*, the law of succession by propinquity of blood, was renewed, and much more established then before, as the ancient bishop of *Tuys* and *Molina*, and other spanish vvriters do testifie: yet that the next in blood was oftentimes put back by the common wealth vppon iust causes, thes examples following shal testifie, as breefly recounted as I can possibly.

Don Pelayo died in the yeare of our Lord 737. and left a sonne named *Don Fauila*, who vvvas king after his father, and reigned two yeares only. After whos death, none of his children were admitted for king, though he left diuers, as al vvriters do testifie. But as *Don Lucas* the

Conc. tol.
4. cap. 74

Examples
of the 2.
race.

Episcop.
Tuyens l.
1. hystoir.
Ludou. de
Molin. li.
de hared.

King Don
Pelayo.

Ambros.
Mor. l. 13.
cap. 6. 9.
10.

Bis hop of Tuy a very ancient author vvriteth, *Aldefonsus Catholicus ab vniuerso populo Gothorum eligitur*, that is (as the chronicler *Moralis* doth translat in spanish) *Don Alonso* surnamed the Catholique, was chosen to be king by al voices of the Gotish nation. This *Don Alonso* was sonne in law to the former king *Fauila*, as *Morales* sayeth, for that he had his daughter *Ermenesenda* in mariage, & he was preferred before the kings owne sonnes, only for that they were yonge & vn-able to gouerne, as the said historiographer testifyeth. And how wel this fel out for the cō-mon wealth and how excellent a king this *Don Alonso* proued, *Morales* sheweth at large, from the tenth chapter of his thirteenth booke vntil the 17. and *Sebastianus* Bis hop of *Salamanca*, that liued in the same tyme, writeth that of his valiant acts he was surnamed *the great*.

Sebast.
Episc. Sa-
lam in
hist. Hisp.

K. Don
Alonso y
Dō frue-
la.

Moral. li.
13. cap. 17
An. 768.

To this famous *Don Alonso*, succeeded his sonne *Don Fruela* the first of that name, who was a noble king for 10. yeares space, and had diuers excellent victories against the Moores, but afterward declining to tyrannie, he became hate ful to his subiects, and for that he put to death wrongfully his owne brother *Don Vimerano*, a Prince of excellent partes and rarely beloued of the Spaniards, he was him selfe put downe, and put to death by them in the yeare of Christ 768. And albeit this kyng left two goodly children behinde him, which were lawfully begotten vppō his Queene *Dona Munia*, the one of them a sonne called *Don Alonso*, & the other a daughter

daughter called *Dona Ximea*: yet for the hatred
 conceaned against ther father, neyther of them
 was admitted by the realme to succede him,
 but rather his cosen german, named *Don Aurelio*
 brothers sonne to *Don Alonso the catholique*, vvas
 preferred, and reigned peacably six yeares, and
 then dying without issue, for that the hatred of
 the spaniards, was not yet ended against the
 memory of king *Fruela*, they would not yet ad-
 mit any of his generation, but rather excluded
 them agayne the second tyme, and admitted a
 brother in law of his, named *Don Silo*, that was
 married to his sister *Dona Adofinda* daughter to
 the fore said noble king catholique *Alonso*.
 So that here we see twise the right heyies of
 king *Don Fruela* for his euell gouernment were
 put back.

Many
breaches
of success-
sion.

Moral. c.
21.

King Don
Aurelio.

King Don
Silo.

But *Don Silo* being dead without issue, as also
Don Aurelio was before him, and the Spaniards
 anger against king *Fruela* being now vvel ass-
 uaged, they admitted to the kingdon e his fore
 said sonne, *Don Alonso* the yonger, surnamed
 afterward the chaste, whom now twise before
 they had put back, as you haue seene, but now
 they admitted him, though his reigne at the first
 endured very litle, for that a certayne bastard
 vnckle of his, named *Don Mauregato* by help of
 the moores put him out, and reigned by force
 6. yeares, and in the end dying with out issue,
 the matter came in deliberation againe, whe-
 ther the king *Don Alonso* the chaste that yet li-
 ued, and had bin hidden in a monastery of

King Don
Alonso
the chaste.

Mor l 13.
cap. 25.

A strange
delibera-
tion.

Great au-
thoritie
of comon
wealt.

Galitia, during the tyme of the tyrāt, ſhould re-
turne agayne to gouerne, or rather that his co-
ſen german *Don vermudo* ſonne to his vncle, the
Prince *Vimerano* (whom vve ſlew before to
haue byn ſlayne by this mans father king *Fruela*) ſhould be elected in his place. And the
realme of Spayne determined the ſecond, to
vvit, that *Don Vermudo* though he vvere much
further of, by propinquity of blood, and vvith
in eccleſiaſtical order alſo (for that he had bin
made deacon) ſhould be admitted, partly for
that he vvas iudged for the more valiant and
able Prince, then the other, vvho ſeemed to be
made more acquainted now vvith the life of
monkes, and religious men, then of a king, ha-
uing firſt bin brought vp among them for 10.
or 12. yeares ſpace, vvholes *Don Aurelio* and *Don*
Silo reigned after the death of his father kinge
Fruela, and ſecondly agayne other ſix yeares, du-
ring the reigne of the tyrant *Mauregato*, for
which cauſe, they eſtemed the other to be fitter,
as alſo for the differēt memories of there tivo
fathers king *Fruela* and prince *Vimerano*, wherof
the firſt vvas hateful, & the other moſt deare, as
before hath bin declared, nether do any of the
fourē ancient Biſhops hitoriographers of
Spayne, to wit, that of *Toledo*, *Befa*, *Salamanca*
or *Ture*, that liued al about thoſe dayes & wrote
the ſtorie, reprehend this fact of the realme of
ſpaine, or put any doubt whether it were lawfull
or no for the cauſes before recited.

Trew it is, that after three yeares reigne, this
king

king *Vermudo* being weary of kingly life, and feeling some scruple of conscience, that being deacon, he had forsaken the life ecclesiastical, and maryed (though by dispensation of the pope as *Morales* sayeth) and entangled himselfe vvith the affaires of a kingdome, he resigned vvillingly the gouernment vnto his said Cosen, *Don Alonso* the chaste, and himselfe liued after a priuate life for diuers yeares, but this *Don Alonso* vvho now the fourth tyme, had bin deprived of his succession, as you haue seene, deceaued the expectation of the spaniards, that accouñted him a monke, for he proued the most valiant and excellent king that euer that nation had, both for his vertue, valor, victories, against the moores, buylding of townes, castells, churches, Monasteries, and other such workes, of Christianity, as *Morales* recounteth: and he reigned after this his last admission, one and fystie yeares, & had great frendship vvith king Charles the great of France, who liued in the same tyme with hym. And this man among other most noble exploites so tamed the Moores of his country, as during his dayes, he neuer paid that cruel and horrible tribute which before & after was paide by the christians to the Moores, which was a hundred yong maidens and fiftie sonnes of Gétlemen, euery yeare to be brought vp in the religiō of *Mahomet*, amōg those infidel tyrants. And finally this man after so much afflictiō came to be one of the most renoumed Princes of the world.

K. Alonso
the chaste
reyneth
the secōd
tyme.

Moral c.
23. & 29.
An. 791.

Moral. li.
13. cap. 45
46. Anno
842.

A horrible
tribute.

King Dō
Ramiro. 1
by ele-
ction.

Moral. c.
51.

After this *Don Alonso*, vvho left no children, for that he would neuer marry, but liued al his life in chastitye, ther succeded to him by electiō, his nephew named *Don Ramiro* sonne to the former said king *Don Vermudo* the deacon, that gaue this man the crowne, as you haue hard, of whose electiō *Morales* writeth these vvords. *Muerto el Rey Don Alonso el casto, fue eligido por los perlados y grandes del reyno, el Rey Don Ramiro primero deste nombre, hyio del Rey Don vermudo el diacono.* That is, the king *Don Alōso* the chaste being dead, ther vvvas chosen king by the Prelates & nobility of the realme, *Don Ramiro* the first of this name, sonne of king *Vermudo* the deacon, vvho resigned his crowne to *Don Alonso*, and it is to be noted, that albeit this *Don Ramiro* vvvas next in blood to the succession, after the death of his vnclē *Don Alonso* without children, yet vvvas he chosen by the states as here it is said in expresse vvordes.

The king-
dom of
Spayne a
Maio-
ralgo.

Moreouer it is to be noted, that albeit this author *Ambrosio Morales* and other spanish vvriters do say that in the tyme of this king *Ramiro*, the law of succession by propinquity in blood vvvas so reuined and strongly confirmed, that as the kingdome of Spayne was made as *Maio-ralgo* as he termeth it, which is, an inheritance so intayled and tyed only to the next in blood, as ther is no possibility to alter the same, and that frō this tyme forward the king alwayes caused his eldest sonne to be named king or Prince, & so euer to be sworne, by the realme & nobilitie,

yet

yet shal vve find this ordinance and succession oftentimes to haue byn broken vppon seuerall considerations, as this author himselfe in that very chapter, confesseth.

As for example, after foure discents from this man, vvhich were *Don Ordonio* the first, this mans sonne, and *Don Alonso* the third, *Don Garzia* and *Don Ordonio the second*, al fower kings by orderly succession, it happened that in the yeare of christ 924. *Don Ordonio* the second, dying, left foure sonnes and one daughter lawfully begotten, and yet the state of spayne displaced them al, and gaue the kingdome to ther vncl *Don Fruela* second brother to there father *Don Ordonio*, and morales sayeth that ther appeareth no other reason heerof, but only for that these sonnes of the king disceaied vvere yong, and not so apt to gouerne, vvel the realme as ther vncl was.

K. Don
Ordonio.
An. 924.

Moral. l.
16. cap. 1.
An. 924.

But after a yeares reigne, this king *Fruela* dyed also, & left diuers children at mans estate, and then did the spaniards as much agaynst them, as they had done for him before, against the children of his elder brother. For they put them al by the crowne, & chose for their king, *Don Alonso* the fourth which vvas eldest sonne to *Don Ordonio* the second, before named, that had bin last king sauing one, and this man also (I meane *Don Alonso* the fourth) leauing afterward his kingdome and betaking him selfe to a religious habit, offered to the commō wealth of spaine, his eldest sonne lawfully begotten

Don A-
lonso 4.

Don Ra-
miro Mo-
ral. lib. 19
cap. 20.
An. 930.

named *Dō Ordonio* to be there king, but they refused him, and tooke his brother (I meane this kings brother) and vncle to the yong Prince, named *Don Ramiro*, who reigned 19. yeares, and vvas a most excellent king, and gayned *Madrid* from the Moores, though noted of crueltie, for imprisoning & pulling out the eyes afterward of this king *Don Alonso* the 4. and al his children and nephewes, for that he would haue left his habit, and returned to be king againe. But this fact, my author *Morales* excuseth, saying that it vvas requisite for peace and safty of the realme, so as heere you see two most manifest alteratiōs of lineal succession together by order of the common wealth.

Don Or-
donio 3.
An. 950.

Furthermore, after this noble king *Dō Ramiro* the second, succeded as heyte apparent to the crowne his elder sonne, *Don Ordonio* the third, of this name, in the yeare of our Sauour 950. but this succession indured no longer then vnto his owne death, which vvas after 7. yeares, for then albeit he left a sonne named *el enfante Don Vermudo*, yet he was not admitted, but rather his brother, *Don Sancho* the first of this name, surnamed *el Gordo*, vvho was vncle to the yong Prince, and the reason of this alteration. *Morales* giueth in thes wordes: *el succeder en el regno, al hermano, fue por la raçon ordinaria de ser el enfante, Don Vermudo niño y no bastante para el gouierno y difença de la terra.* Which is, the cause why the kings brother and not his sonne succeded in the crowne, vvas for the ordinary reason

Don San-
cho 1.

Moral. l.
26 cap. 29
An. 950.

reason (so often before alleaged) for that the infant or yong Prince *Vermudo*, vvas a little child, and not sufficient for gouernment and defence of the countrey.

Truth it is, that after this *Don Sancho* had reigned, and his sonne and heire named *Don Ramiro* the third, after him, for the space of 30. yeares in all, then was this youth *Don Vermudo* (that is now put back) called by the realme to the succession of the crowne, and made kinge by the name of king *Vermudo* the second, vvhose left after him *Don Alonso*, the 5. and he agayne his sonne *Don Vermudo* the third, who marrying his sister *Lona Sancha* (that was his heire) vnto *Don Fernando*, first earle, & then king of Castile, (who was second sonne to *Don Sancho Mayor* king of Nauarras before hath bin said) he ioyned by thes meanes the kingdomes of Leon and Castile together, which were seperat before, and so ended the line of *Don Pelayo*, first Christian king of Spaine, after the entrance of the Moores, which had endured now three hundreth yeares, and the blood of Nauarr entered as you see, and so continued therein vntil the entrance of those of *Austria*, as before hath bin said, which was almost 5. hundreth yeares together.

Mor. l. 17.
C. 1. 2. 3. 4.

The end
of the
race of
Don Pe-
layo.

And thus much I thought good to note out of the stories of Spaine, for this first discent of the spanish kings, after the entrance of the Moores, nether meane I to passe much further, both for that it would be ouer long, as also for

of the
discent
follo-
wing.

that myne author, *Morales*, who is the most diligent that hath written the chronicles of that nation, endeth heere his story with king *Vermudo* the third and last of the Gotish bloode.

Spanish
examples
in the se-
cond dis-
sent.

Notwithstanding if I would go on further, ther would not want diuers euident examples also to the same purpose, which *Stephen Garabay* an other chonicler of Spaine, doth touch in the continuation of this story, vtherof for examples sake only I wil name two or three among the rest.

An. 1201

And first about the yeare of Christ 1201. ther was a mariage made by king Iohn of Inglād for *Dona Blancha* his neece, that is to say, the daughter of his sister Dame Elinor, and of *Don Alonso* the 9. of that name king and Queene of spaine, which *Blancha* was to mary the Prince of Frāce, named *Luys*, sonne & heyre to king Phillip surnamed *Augustus*, which *Luys* was after-ward king of France by the name of *Luys* the 8. & was father to *Luys* the 9. surnamed the saint.

Garib. li.
11. cap. 12
& 37.

This lady *Blancha* vvas neece as I haue said, vnto king Iohn and to king Richard, the first of Inglād, for that her mother lady Elenor, was ther sister, and daughter to king Henry the second, and king Iohn made this mariage, ther by to make peace with the French, and was content to giue for hir dowrey (for that he could not tel how to recouer them agayne) al those townes & countres which the said king Phillip had taken vppon the English, by this kings euell gouernment in Normandie and Gasconie,

Lady Ele-
nor an
English
woman.
Q. of
Spayne.

Gasconie, and more ouer, promise was made, that if the Prince Henry of Spayne (that vvas the only brother to the said Lady Blách) should dye without issue (as after he did) then this lady should succede in the crowne of Spaine also, but yet afterward the state of Spayne would not performe this, but rather admitted her yonger sister *Dona Berenguela*, married to the Prince of Leon, and excluded both *Blanch* and her sonne the king *S. Luys* of France, agaynst the euident right of succession, and propinquity of blood, & the only reason they yealded hereof vvas not to admitt strangers to the crowne, as *Garabay* testifieth.

Garib. I.
13. cap. 10
An. 1207.

This hapned then, and I do note by the way, that this *Dona Berenguela* second daughter of Queene *Elenor* the English woman, was married (as hath bin said) to the Prince of Leon, and had by him *Don Fernando* the third of that name, king of Castilia, surnamed also the saint, so as the two daughters of an English Queene, had two kings saints for ther sonnes at one tyme, the elder of France and the yonger of Spayne.

An English Q.
grád mother to
two king
saints at
once.

After this againe, about threescore yeares the Prince of Spayne named *Don Alonso*, surnamed *de la cerda*, for that he was borne with a great gristle heare on his brest called *cerda* in Spanish, which *Don Alonso*, was nephew to the king *Fernando* the saint, & married with the daughter of saint *Luys* king of France, named also *Blancha* as her grand mother was, and had by her two sonnes called *Alonso* & *Hernando de la cerda* as the

An other
brech of
successiō.

as the Prince their father was named, vvhich father of thers dying before the king, the grand father left them commended to the realme as lawful heyres apparent to the crowne, yet for that a certayne vncle of thers named *Don Sancho* yonger brother to their father which *Dō Sancho* was surnamed afterward, *el brauo* for his valor and vvas a great warriour, and more like to manage vvel the matters of warr then they: he was madde heyre apparent of Spayne and they put back in ther grand fathers tyme, and by his and the realmes consent, (ther father as I haue said being dead) and this was done in a general parliament holden at *Segouia*, in the yeare 1276. and after this, *Don Sancho* was made king in the yeare 1284. and the two Princes put into prison, but afterward at the sute of there vncle king Phillip the third of France, they were let out agayne and endued with certayne landes, and so they remaine vnto this day, and of thes do come the Dukes of *Medina Celi*, and al the rest of the house of Cerda, which are of much nobility in Spayne at this tyme, and king Phillip that reyneth cometh of *Don Sancho* the yonger brother.

Not long after this agayne, when *Don Pedro* surnamed the cruel king of *Castile*, was driuen out, and his bastard brother *Henry* the second set vp in his place, as before hath bin mentioned: the Duke of Lancaster Iohn of Gant, hauing married *Dona Constantia* the said king peters daughter & heyre, pretended by succession the said

The Cer-
das put
bark from
the
crowne
1276.

Carabay
l. 15. c. 1.
an. 1263.

said crowne of Castile, as in deed it appertay-
ned vnto him, but yet the state of spaine denied
it flatly, and defended it by armes, and they pre-
uailed against Iohn of Gant, as dyd also the race Many al-
terations
of lineal
discent.
of Henry the bastard, against his lawful bro-
ther, & the race of *Don Sancho* the vncle, against
his lawful nephewes, as hath byn shewed, and
that of *Dona Berenguela* against her elder sister,
al which races do reigne vnto this day, & thes
three changes of the trew lyue, happened with
in two ages, and in the third and principal dis-
cent of the Spanish kings, when this matter
of succession was most assuredly and perfectly
establisshed, and yet who wil deny but that the
kings of Spayne who hold by the later titles at
this day, be true and lawful kings.

Well, one example wil I giue you more out
of the kyngdom of Portugal, and so wil I make
an ende with thes countreyes. This kinge
Henry the bastard last named king of Spayne,
had a sonne that succeded him in the crowne
of Spayne, named Iohn the first, who married
the daughter and heyre named *Dona Beatrix*, of
king *Fernando* the first of Portugal, but yet after
the death of the said King *Fernando*, the states of
Portugal would neuer agree to admit him for
ther king, for not subiecting themselues by
that meanes to the Castilians, and for that
cause they rather tooke for ther king, a bastard Dō Iohn
the first
bastard
made
king of
Portugal.
brother of the said late king *Don Fernando*,
whos name was *Don Iuan*, a youth of 20. yeares
old who had bin master of a militare order in
Portugal

Parib. l. 15
cap 22. &
li. 34. c. 39.

Portugal named *de Avis*. and so they excluded *Dona Beatrix* Queene of Castile that was their lawful heyre, and chose this yong man, and married him afterwards to the lady Phillippe daughter of Iohn of Gant Duke of Lancaster, by his first wife blanch, Duchesse and heyre of Lácaster, in whose right the kings of Portugal and ther discendents do pretend vnto this day a certayne interest to the house of Lancaster, which I leaue to our tēporal lawyer, to discusse but heereby we see what an ordinary matter it hath bin in Spayne and Portugal, to alter the lyne of next succession, vppon any reasonable consideration, which they imagined to be for ther weal publique, and the like we shal finde in France & Ingland, which euen now I wil begin to treat of.

DIVERS OTHER EX-
AMPLES OVT OF THE STATES
OF FRANCE AND INGLAND, FOR

*prooffe that the next in blood are some tymes
put backe from succession, and how God
had approued the same with
good successe.*

CAP. VIII.

Of the
state of
france.

AS concerning the state of France, I haue noted before, that albeit since the entrāce of ther first king *Pharamond*, with his Frankes, out of Germanie, which vvas about the yeare of Christ

of Christ 419. they haue neuer had any stranger An. 419.
 come to were there crowne, which they attribute
 to the benefit of there law Salike, that for
 biddeth women to reigne, yet among themselves
 haue they changed twyse there whole race
 and linage of kings, once in the entrance of
 king Pepin, that put out the lyne of Pharamond,
 about the yeare 751. and agayne in the An. 751.
 promotion of kinge *Hugō Capetus*, that put out
 the lyne of Pepin, in the yeare 988. so as they An. 988.
 haue had three discentes and races of kings, as
 wel as the spaniards, the first of Pharamond,
 the 2. of Pepin, and the 3. of Capetus, which
 indureth vnto this present, if it be not altered
 now by the exclusion that diuers pretend to
 make of the king of Nauarr, and other Princes
 of the blood royal of the howse of Burbon.

Wherefore as I did before in the spaniards, so
 I wil heere let passe the first ranke of al of the
 french kings, for that some men may say per-
 haps, that the common wealth and law of
 succession, was not so wel settled in those dayes,
 as it hath bin afterward, in tyme of kinge Pe-
 pin Charles the great and ther discendantes,
 as also for that it were in very deede ouer te-
 dious to examine and peruse al three rankes of
 kings in France, as you wil say when you shal
 see what store I haue to alleage, out of the se-
 cond ranck only, which began vvith the ex-
 clusion and deposition of their lawful King
 Childerike the third, and election of king
 Pepin, as before you haue heard at large de-
 clared

Examples
 of the 2.
 rancke of
 French
 Kings.

clared in the third chapter of this discourse, & it shal not be need ful to repeate the same agayne in this place.

King Pe-
pin by
election
An. 751.

Pepin then surnamed, *le brefe*, or the litle, for his smale stature (though he vvere a gyant in deeds) being made king of France, by mere election, in the yeare of Christ 751. after 22. kings that had reigned of the first lyne of Pharamond for the space of more then three hundredeth yeares, and being so famous and worthy a king as al the world knoweth, reigned 18. yeares, & then left his states and kingdomes by succession vnto his eldest sonne Charles surnamed afterward the great, for his famous and heroical acts. And albeit the vvhole kingdome of France appertayned vnto him alone, by the law of succession, as hath bin said, his father being king and he his eldest sonne: yet would the realme of France shew ther authority in his admission, which *Girard* setteth downe in thes vvords, *Estant Pepin decedé, les Francois esleurent Rois, Charles & Carlomon, ses fils, a la charge, qu'ils partageroient entre eux, également, le royaume.* Which is, king Pipin being deade, the french men chose for ther kings his two sonnes, Charles and Carlomon, with condition, that they should part equally betwene them, the realme. Wherin is to be nored, not only the election of the common wealth, besides succession, but also the heauie condition laid vpon the heyre to part halfe of his kingdome vvith his yonger brother, and the very same

K. Charles
by
election.

Girard du
Haillan l.
3 an. 768.

woords hath Eginard an ancient French writer, in the life of this Charles the great, to wit, that the French state in a publique assembly, did chose two Princes to be their kings, with expresse condition to deuide the realme equally, as Francis Belforest citeth his wordes, which two French authors (I meane Girard and Belforest) I shal vse principally hereafter in the rest of my citations.

Eginard
Belfor. li.
2. cap. 3.

After three yeares, that these two bretherē had reigned together, king Carlomon the yonger died, and left many sonnes, the elder wherof vvas named Adalgise, but Belforest sayeth, that the Lords ecclesiastical & temporal of France swore fidelitie and obedience to Charles, without any respect or regard at al of the children of Carlomon who yet by right of succession, should haue bin preferred, & Paulus Emilius a latine writer, saith, *proceres regni ad Carolum ultro venientes, regem eum totius Gallie salutarunt*: that is, the nobility of the realme comming of ther owne accord, vnto charles saluted him king of al France, wherby is shewed, that this exclusion of the children of Carlomon, was not by force or tyranny, but by free deliberation of the realme.

The vnde
preferred
before
the ne-
phevv.

Paul.
milli hist.
Franc.

After Charles the great, reigned by successiō his only sonue, Luys the first, surnamed *de bonnaire* of his curtesye, vwho entring to reigne in the yeare 817. vvith great applause of al men, for the excedinge grateful memory of his father, vvas yet afterward at the poursuite principally of his owne three sonnes, by his first wife, (which were Lothair, pepin, and Luys) deposed,

King
Luys de
bonnaire,
An. 814.

Girard. l. 5
An. 834.

An. 840.

first in a councel at Lions, and then agayne at *Compeigne*, and put into a monastery, though afterward he came to reigne agayne, and his fourth sonne by his secôd vvife, (vvhich sonne vvvas named *Gharles le chauue*, for that he vvvas bald) succeeded him, in the states of France, though after many battels against his eldest brother *Lothaire*, to whom by succession the same appertayned.

An. 873.

Baudinen
la Chroni
que, pag.

119.

Girard l. 1

An. 879.

Tvvo ba-
stards pre-
ferred.

After Charles the balde, succeeded *Luy*s the second, surnamed *le begue*, for his stuttering, who was not eldest, but third sonne, vnto his father, for the second dyed before his father, & the eldest vvvas put by his succession, for his euell demeanure, this *Luy*s also vvvas like to haue bin deprivied by the states at his first entrâce, for the hatred conceaued against his father Charles the bald, but that he calling a solemne parliament at *Compeigne*, as Girard saith, he made the people, cleargie, and nobilitie many faire promises, to haue their good vvilles. This *Luy*s the stuttering, left two bastard sonnes, by a cōcubine, vvho vvvere called *Luy*s and *Carlomô*, as also he left a litle infant, newly borne of his lawful vvife, *Adeltrude* daughter to king *Alfred* of Ingland, vvhich infant vvvas king of France aftervvard, by the name of Charles the simple, albeit not immediatly after the death of his father, for that the nobles of Frâce said, that they had need of a man to be king, & not a childe, as Girard reporteth, & therefore the vvhole state of France, chose for their kinges the tvvo
foresaid

foresaid bastards, *Luy*s the third, and *Carlomon* the first of that name, ioyntly and they vvere crowned most solemnly & deuided the vvhole realme betwene them, in the yeare of Christ An. 881. 881. and *Queen Adeltrude* vvith her childe true heyre of France, fled into Ingland to her father, and ther brought him vp for diuers yeares, in which tyme she saw foure or fise kinges reigne in his place in France, one after the other, for bresly thus it passed.

Of thes tvvo bastard kings the elder named *Luy*s reigned but foure yeares, & died without issue, the second that is *Carlomon* liued but one yeare after him, and left a sonne called also *Luy*s, vvhich succeded in the kingdome by the name of *Luy*s the fift, and surnamed *Faineant* Luy's faineant K. of France An. 886. for his idle and slouthful life. For which as also for his vitious behaueour, and in particuler for taking out and marrying a Nōne of the Abbey of *S. Baudour* at *Chells*, by *Parris*, he vvas depriued and made a monke in the Abbey of *S. Denys*, vvher he died, and in his place vvas chosen king of France, and crowned vvith great solemnitie, *Gharles the 4.* Emperor of *Rome* surnamed *le gros*, for that he vvas fat and corpulēt, he vvas nephew to *Charles the bald*, before mentioned, and therfore the French stories say, that he came to the crowne of France partly by succession, and partly by election, but for succession, vve see that it vvas nothing worth, for so much as *Charles the simple* the right heyre, was a liue in Ingland, vvhom it semeth that

Charles 4 le Gros. King of France.

Girard. li. 5. An. 886

the french men had quite forgotten, seing that now they had not only excluded him three tymes alredy, as you haue hard, but afterwards also againe, when this grosse Charles was for his euell gouernmēt, by them deposed and depriued, not only of the kingdome of France but also of his Empire, vvhich he had before he was kinge, & was brought into such miserable penurie, as diuers write, that he perished for wāt. At this tyme I saye the states of France vvould not yet admitt Charles the simple (though hither-to his simplicity did not appeare, but he seemed a goodly Prince) but rather they chose for king one Odo Earle of Paris and Duke of Angiers, and caused him to be crowned.

Odo a
king and
after Du-
ke of
vvhom
came
Hugo Ca-
perus.

But yet after a few yeares, being vveary of this mans gouernment, and moued also some what with compassion towards the youth that vvvas in England, they resolved to depose Odo, and so they did vvhiles he vvvas absent in Gascony, and called Charles the simple out of England, to Paris, and restored him to the kingdome of France, leauing only to Odo for recompence, the state of Aquitaine, with title of a Duke: wherwith in fine, he contented himselfe, seing that he could get no more. But yet his posterity by vertue of this election, pretended euer after a title to the crowne of France, and neuer left it of, vntil at length by Hugo Caperus they gat it, for Hugh descended of this king and Duke Odo.

This king Charles then surnamed the simple, an

ple, an English vvomans sonne, as you haue hard, being thus admitted to the crowne of France, he toke to vvife an English vvoman, named *Elgina* or *Ogin*, daughter of king Edward the elder, by whom he had a sonne named *Le-wys*, and himselfe being a simple man, as hath bin saide, vvvas allured to go to the castle, of peronne in Picardie, vvher he vvvas made prisoner, and forced to resigne his kingdome vnto Rafe Rafe 1.
King of
France.
An. 927. king of Burgundye, and soone after he dyed through misery in the same castle, and his Queene *Ogin* fled into Ingland vvith her litle sonne *Luys* vnto her vncle kinge *Adelstan*, as Queene *Adeltrude* had done before vvith her sonne vnto king *Alfred*, and one of the chiefe in this action for putting downe of the simple, vvvas Counte Hugh surnamed the great, Earle of Paris, father vnto *Hugo Capetas* vvwhich after vvvas king.

But this new king Rafe, liued but three yeares after, and then the states of France considering the right title of *Luys* the lawful child of king Charles the simple, vvwhich *Luys* was commonly called now in France by the name of *d'Outremer*, that is be-yond the sea, for that he had bin brought vp in Ingland: the said states being also greatly and continually sollicitated heerunto by the Embassadors of king *Adelstan* of Ingland, and by William Duke of Normandie, surnamed long speer, great grand father to William the conqueror, who by the king of Ingland vvvas gayned also to be of the yong

An. 929.

princes part: for these considerations (I say) they resolved to call him into France out of England, as his father had bin before him, and to admitt and crowne him king, and so they did, and he reigned 27. yeares and vvas a good Prince, & died peaceablie in his bedd the yeare of Christ, 945.

Luy 4.
d'Outre-
mer.

The true
geyre of
France
excluded.

Hugh Ca-
pet other-
wise
Snatch
cappe 988

This king Luy 4. d'Outremer left two sonnes behind him, the eldest vvas called *Lothaire* the first, who succeeded him in the crowne of Fráce, and the second vvas named Charles vvhom he made Duke of Lorayne. *Lothaire* dying left one only sonne named *Luy 5.* as his grand father vvas, vvhom was king of France, by the name of *Luy 5.* and dying vwithout issue after two yeares that he had reigned, the crowne vvas to haue gone by lineal succession vnto his vnckle *Charles* the duke of Lorayne, second sonne to *Luy 4. d'Outremer*, as is euident, but the states of France did put him by it for mislike they had of his person, and did chose *Hugo Capetus* Earle of Paris, and so ended the second lyne of *Pepin* and of *Charles* the great, and entred the race of *Hugo Capetus*, vvhich endureth vntil this day, and the French stories do say, that this surname *Capet*, vvas giuen to him vvhon he vvas a boy for that he vvas wont to snatch away his fellows cappes from their heades, vvhich he vvas termed *Snatch cappe*, vvhich some do interpret to be an abodement that he should snatch also a crowne from the true owners head in tyme, as aftervvard we see it fel out, though

though yet he had it by election and approbation of the common wealth as I haue said.

And in this respect al the french chroniclers who otherwise are most earnest defenders of the law of succession, do iustifie this title of Hugo Capetus against Charles, for vvhich cause Frances Belforest doth alleadge the saying of William Nangis, an ancient and diligent chronicler of the Abby of S. Denys in France, vvho defendeth king Capetus in these vvords.

Belfor. li.
3. cap. 1.
An. 988.

Ve may not graunt in any case that Hugh Capet may be esteemed an inuador or vsurper of the crowne of France, seing the Lordes Prelates princes and gouernors of the realme did cal him to this dignitie, and chose him for their king and Soueraine Lord, thus much Nangis: vppon vvich wordes Belforest saith as followeth, I haue layd before you the vvordes and censure of this good religious man for that they seeme to me to touch the quick, for in very truth we cannot by any other meanes defend the title of Hugh Capet from Vsurpation and fellonie, then to iustifie his comming to the crowne by the consent and wil of the common wealth, and in this I may wel excuse me from inconstancie and contradiction to my selfe, that haue so earnestly defended succession before, for he that wil consider how and vvith vvhat conditions I defended that, shal easely see also that I am not heere contrary to the same, thus much Belforest.

Defence
of Hugh
Capetus
title.

I Thinke it not a misse also to put downe heer some part of the oration or speech vvich

The embassage of the states of France vnto Charles of Loraine.

the Embassador that vvas sent at that tyme, from the state of France vnto Charles of Loraine, after their election of *Hugh Capet*, and Charles exclusion, did vse vnto him in ther names, which spech *Girard* doth recount in these wordes.

Girard l.
6. an. 988.

Euery man knoweth (Lord Charles) that the succession of the crowne and realme of France according to the ordinary Lawes and rights of the same, belongeth vnto you, and not vnto *Hugh Capet* now our king, but yet the very same lawes vvhich do giue vnto you this right of succession, do iudge you also vnworthy of the same, for that you haue not endeavored hitherto to frame your life and manners according to the prescript of those lawes, nor according to the vse & custome of your countrey of France, but rather haue allyed your selfe vwith the German nation, our old enimies, and haue acquainted your selfe vwith their vile and base manners. Wherfore seing you haue forsaken & abandoned the ancient vertue sweetnes and amitie of the french, vve haue also abandoned and left you, and haue chosen *Hugh Capet* for our king, and haue put you back, and this without any scruple or preiudice of our consciences at al, esteeming it far better and more iust to liue vnder *Hugh Capet* the present possessor of the crowne, with enioying the ancient vse of our lawes, customes, priuileges and liberties, then vnder you the inheritor by neernes of bloode, in oppression, strange customes, and cruelty.

cruelty. For euen as those which are to make a voyage in a ship vppon a dangerous sea, do not so much respect, vv whether the pilot which is to, guyd the sterne, be owner of the ship or no, but, rather whether he be skilful, valiant, and like, to bring them in safety to ther wayes end, or to drowne them among the waues: euen so our principal care is, that we haue a good Prince to leade and guyd vs happely in this way of ciuil, and politique life, vv which is the end why, princes were appointed, for that this man is fitter to be our king.

Note this comparison.

This message did the states of France send to Charles of Lorayne in defence of their doings, and with this he lost his succession for euer, and afterwards his life also in prison, and the French men thought themselues secure in conscience as you see, for doing the same, which God hath also since seemed to confirme, with the succession and happy successe of so many noble and most christian kings as haue issued out of this line of *Hugo Capetus* vnto this day.

And this spoken now of the second lyne of France, I take to be sufficient for prooffe of our purpose, without going any further, for that if we do but number these kings already named that haue reigned in this second race, from king Pepin downwards vnto *Hugh Capet*, (vv which are about 17. or 18. kings in 238. yeares) vve shal finde that not some few, but the most part of them did both enter and enioy ther crownes and dignities contrary to the law

Examples out of the third tyme of France.

of lyneal discent, and of next succession by blood. Wherof also ther would not vvant diuers examples in the third and last discent, since *Hugo Capetus* tyme, if we would passe further to examine the stories ther-of. For not to go further downe then to the very next discent after

Girard li. 6. an. 1032 *Hugh* which vvas king Robert his sonne, **Girard** affirmeth in his story, that of his two sonnes which he had named Robert and Henry, Robert the elder vvas put back, and his younger brother Henry made king of France, & reyned many yeares by the name of Henry the first, & this he sayeth happened partly for that Robert vvas but a simple man in respect of Henry, and partly also for that Henry was greatly fauored and assisted in this pretence, by Duke Robert of

X. Henry
1. preferred before his elder brother.

VWilliam
conqueror how he came to be duke of Normandie.

Girard l. 6. Anno 1032. & 3037.

Normandy father to our William the conqueror, and in recompence hereof, this king Henry afterward assisted the said Willia bastard sonne to Robert for the attayning of the Dukdome of Normandie, after the death of the said Duke Robert his father, notwithstanding that Duke Robert had two lawful brothers a liue at that tyme, whose names were *Munger* Archbis hop of Roan, and William Earle of *Argues*, in Normandie, who pretended by succession to be preferred, But the states of Normandie at the request of Duke Robert, vvhen he went to the holy land (in which iorney he died) as also for auoyding of dissention and warres that other wise might iusue, were content to exclude the vncles and admitt the bastard sonne, who vvas
also

also assisted by the forces of the king of France as hath bin said, so as no scruple it seemed ther vvas in those dayes, ether to pfer king Henry to the crowne of France befor his elder brother, or Duke William the bastard sonne to the Duchie of Normandy before his lawful vncles vppon such dow considerations, as those states may be presumed to haue had for their doings.

I read also, that some yeares after, to vvith in the yeare 1110. when Phillip the first of France sonne and heyre to this king Henry of whose solemne coronation you haue hard before in the seuēth chapter, was deceased, the people of France were so offended vvith his euell life and gouernment, as diuers vvere of opinion to dis- inherite his sonne Lewis the sixt, surnamed *le Gros*, for his sake, and so vvas he like to haue bin indeede, as may appeare by the chronicle of France, if some of his partie had not caused him to be crowned in hast, and out of order, in Orleans, for preventing the matter.

Sonnes excluded for the fathers offences.

Girard. lib. 7. An. 1110.

Belfor. l. 4 c. 1. & l. 5

The like doth Phillip Cominæus in his story of king Luys the eleuenth declare, how that the state of France had once determynd, to haue disinherited his sonne Charles, named after the eight, and to put him back from his succession for their hatred to his father, if the said father had not died vvith the other vvas very yong, as I noted before also, that it happened in king Henry the third of England, vvho vvas once condemned by the Barons to be disinherited, for the fault of king Iohn his father,

Cōmæus in comen tar. l. 1. in vita Lu- douic. 11.

father, and Lewys the prince of France chosen in his place, but that the death of king Iohn did alter that course intended by the English nobilitie, so as this matter is nether new nor vnacustomed in al foraine countryes, and now wil I passe also a little to our English stories, to see whether the like may be found in them or no.

Examples
of the
realme of
England.

Diuers
races of
English
Kinges.

And first of al that the realme of Inglād hath had as great varietie, changes, and diuersitie, in the races of their kinges, as any one realme in the world, it semeth euident, for that first of al, after the Britaines, it had Romans for their gouernours for many yeares, and then of them & their roman blood they had kinges agayne of ther owne, as appereth by that valiant king *Aurelius Ambrosius*. Who resisted so manfully and prudently the saxons, for a tyme, after this they had kinges of the saxon & English blood, and after them of the Danes, and then of the Normanes, & after them agayne of the Frēch, & last of al, it semeth to haue returned to the Britains agayne, in king Henry the 7. for that his father came of that race, and now you know ther be pretendours of diuers nations, I meane both of *Scottish*, *Spanish*, and *Italian* blood, so that Inglād is like to participate with al their neybour round about them, & I for my part do feele my selfe much of the French opinion before alleaged, that so the ship be wel & happely guyded, I esteeme it not much important of what race or natiō the pilore be, but now to our purpose.

I meane

I meane to passe ouer the first and ancient
 rancks of kings, as vvell of the *British* & *Roma*,
 as also of the *Saxon* races, vntil king Egbert the
 first of this name, king of the west Saxons, and
 almost of al the rest of England bisides, vvho
 therfore is said to be properly the first monarch
 of the *Saxon* blood, and he that first of al, com-
 maunded that realme to be called England,
 which euer since hath bin obserued.

Thena-
 me of
 England
 and In-
 glissh.

This man Egbert being a yong gentleman
 of a noble house in the west parts of England,
 was had in ielosie by his king *Britricus* (vvho
 vvvas the 16. Kinge from *Cerdicius*, first
 king of the vvest Saxons, as he was also
 the last of his blood. And for that he sus-
 pected, that this Egbert, for his great prowesse,
 might come in tyme to be chosen king, he
 banished him into France, vvher he liued
 diuers yeares, and vvvas a captayne vnder the
 famous king Pepin that vvvas father to Char-
 les the great, and hearing aftervvards that
 king *Britricus* vvvas dead, he returned into In-
 gland vvher Polidor sayeth, *omnium consensu*
rex creatur: that he was created or chosen king,
 by consent and voyce of al men, though yet
 he vvvere not next by propinquity of blood
 royal, as is most euident, and yet he proued
 the most excellent king that euer the saxons
 had before or perhaps after, and his election
 happened in the yeare of Christ 8. hundreth
 and two, vvhen King Pepin the first of
 that race, reigned (as hath bin said) in france,
 so as

King
 Egbert
 the first
 monarch
 of Inglād.

Polidor
 hist. aug.
 li. 4. in fi-
 ne.

An. 802.

King Pe-
pin of
France.

so as this monarchy of Egbert and that of Pe-
pin (wherof we haue alleaged so many exam-
ples in the former chapter, began as it vvere
together, and both of them (I meane both Pe-
pin and Egbert) came to their crownes by ele-
ction of the people as heere you see.

king Adel-
vulfe.
An. 829.

This king Egbert or Egbrich as others do
write him, left a lawful sonne behind him na-
med *Elthelwulfe* or *Adelwulfe*, or *Edolph*, (for al is
one) vwho succeded him in the kingdome, and
was as worthy a man as his father, and this *A-
delwulfe* agayne, had foure lawful sonnes, vwho
al in their turnes succeded by iust and lawful
order in the crowne, to wit *Ethelbald*, *Ethelbert*,
Ethelred, and *Alfred*, for that none of the former
three had any children, and al the later three
were most excellent princes, especially *Alfred* or

King Al-
fred. 872.

Alured, the last of al foure, whose acts are won-
derful, and who among other his reuoumed
gestes, draue *Rollo* that famous captaine of the
danes from the borders of Ingland, with al his
company into France, wher he gat the coun-
trei or prouince named then *Neustria*, & novv
Normandie, and was the first Duke of that pro-
uince and nation, and fromwhom our William
Conqueror came afterwards in the sixth dis-
cent. This man erected also the vniuersitie of
Oxford, being very learned himselfe, buylded
diuers goodly monasteries and churches, and
dying left as famous a sonne behynde him, as
himself, which was *Edward* the first surnamed
the senior or elder.

King
Edvvard
elder.
An. 900.

This

This king Edward dying left two sonnes, lawfully begotten of his wife, Edgina, the one named Prince Edmund, and the other Eldred, & a third illegitimate whose name vvas Adelftan, whom he had by a concubine. But yet for that this man vvas esteemed to be of more valor then the other, he was preferred to the crowne, before the two other Princes legittimate, for so testifieth Polidor in thes wordes, *Adelftanus ex concubina Edwardi filius, rex a populo consalutatur atque ad kingstonum opidum more maiorum ab Athelmo Cautuariensi Archiepiscopo coronatur*, vvhich is, Adelftan the sonne of king Edward by a concubine, vvas made king by the people, and vvas crowned according to the old custome, by Athelme Archbishop of Cāterbury at the towne of kingston. Thus far polidor, and Stow addeth further thes words: *His coronation was celebrated in the market place, vppon a stage, erected on high that the king might better be seene of the multitude, he was a Prince of worthy memorie, valiant and wise, in al his acts. & brought this land into one perfect monarchie, for he expelled vtterly the danes, and quieted the welchmē.* Thus much Stow, of the successe of chusing this king bastard to reigne. To whose acts might be added that he conquered Scotland and brought Constantine their king to do him homage, and restored Luys d'Outremer, his sisters sonne to the kingdome of France, as before hath bin signified.

King Ale-
ston the
Bastard
preferred.
An. 924.

Polid. l. 5.
hist angl.

Stow
pag. 130.
An. 924.

This man dying without issue, his lawful brother Edmond, put back before, was admitted to the

King Ed-
mond. l.
An. 949.

The vncle
preferred
before
the ne-
phewes
946.

Polid. l. 6.

Stow in
his chro-
nicles.

to the crowne, who being of excellent expecta-
tion, died after 6. yeares, and left two lawful
sonnes, but yet for that they were yonge, they
were both put back by the realme, and their
vncle Eldred was preferred before them, so saith
Polidor, *Genuit Edmondus ex Egilda vxore Eduinum
& Edgarum, qui cum etate pueri essent. post Eldredum
deinde regnarunt.* King Edmond begat of his
wife Egilda two sonnes named Edwin and Edgar,
who for that they were but children in yeares,
were put back, and reigned afterward after
ther vncle Eldred. The like saith Stow and yeal-
deth the same reason in thes wordes. Eldred
succeeded Edmōd his brother for that his sonnes Edwin,
and Edgar, were thought to yong to take so great a
charge vppon them.

This Eldred though he entred as you see
against the right of the nephewes, yet saith Po-
lidor and Stow, that he had al mens good will,
and was crowned as his brother had bin, at
kingston, by Odo Archbishop of Canterbury,
and reigned 9. yeares with great good wil and
praise of al men. He dyed at last without issue,
and so his elder nephew Edwin vvas admitted
to the crowne, but yet after foure yeares he
was deposed agayne, for his leude and vitious
life, and his yonger brother Edgar admitted in
his place in the yeare of Christ 959.

Edgar a
famous
king.

This king Edgar that entred by deposition of
his brother, vvas one of the rarest princes, that
the world had in his tyme, both for peace and
vvar, iustice, pietye, and valor. Stow sayeth he
kept

Kept a nanie of three thousand and 6.hundreth
 Shippes, distributed in diuers partes for defence
 of the realme. Also that he buylt and restored
 47. monasteries at his owne charges, and did
 other many such acts: he vvas father to king
 Edward the martir, & grand father to king
 Edward the confessor, though by two different
 wiues, for by his first wife named *Egilfred* he
 had Edward after martirized, and by his secōd
 vvife *Alfred* he had *Etheldred* father to Edvvard
 the confessor, & to the end that *Etheldred* myght
 raigne, his mother *Alfred* caused King Edward
 the sonne of *Egilfred* to be slayne after king
Edgar her husband was dead.

King
 Edvvard
 Martiri-
 zed.

K. Ethel-
 dred 978.

After this so shameful murther of king
 Edward, many good men of the realme, vvere
 of opinion, not to admit the succession of *Ethel-
 dred* his half brother, both in respect of the
 murther, of king Edward his elder brother, cō-
 mitted for his sake, as also for that he semed a
 man not fit to gouerne, and of this opinion
 among others, vvas the holy man *Dunston* arch-
 bishop of Canterbury, as *Polidor* sayeth, who
 at length in flat words denyed to consecrate
 him, but seing the most part of the realme, bent
 on *Etheldreds* side, he forerould them, that it
 would repent them after, and that in this mās
 life the realme should be destroyed as in deede
 it vvas, and he rann away to Normandy, and
 left *Sweno* and his danes in possession of the
 realme, though aftervvard *Sweno* being dead,
 he returned agayne and dyed in London.

Polid. l. 7.
 hist. Ang.

K. Edmōd
Ironside.

This *Etheldred* had two wiues, the first *Ethelgina* an English womā, by whom he had prince *Edmund* surnamed *Ironside*, for his great strength and valor, vvho succeeded his father in the crowne of England, for a yeare, and at his death left two sonnes which after shalbe named, and besides this, *Etheldred* had by his first wife other two sonnes *Edvin* and *Adelston*, and one daughter named *Edgina*, al which were ether slayne by the danes, or dyed without issue.

Queene
Emma
mother
to King
Edvvard
the con-
fessor.

The secōd wife of *Etheldred* was called *Emma*, sister to *Richard* Duke of *Normandie*, vvho was grand father to *William* the conqueror, to witt, father to Duke *Robert*, that was father to *VWilliam*, so as *Emma* vvvas great aunt to this *VWilliam*, and she bare vnto king *Etheldred* two sonnes, the first *Edward*, who was afterward named king *Edward* the Confessor, and *Alerud* vvho was slayne traiterously by the Earle of *kent*, as presently we shal shew.

After the death also of king *Etheldred*, *Queene Emma* was married to the Dane king *Canutus* the first of that name, surnamed the great, that was king of England after *Etheldred*, & *Edmond Ironside* his sonne, and to him she bare a sonne named *Hardicanutus*, vvho reigned also in England, before king *Edvvard* the Confessor.

Many
breches
of lineal
successiō.

Now then to come to our purpose, he that wil consider the passing of the crowne of England, from the death of *Edmonde Ironside*, elder sonne of king *Eltheldred*, vntil the possession therof gotten by *VWilliam* Duke of *Normandie*,

Normandie, to wit for the space of 50. yeares, shal easely see what authority the common wealth hath in such affaires, to alter titles of succession, according as publique necessity or vtility shal require, for thus briefly the matter passed.

King Etheldred seing himselfe to vveake for Sweno the king of Danes, that vvas entred the land, fled with his wife Emma and her two children Edward and *Alerud*, vnto her brother Duke Richard of Normandie, & ther remayned vntil the death of Sweno, and he being dead, Etheldred returned into Ingland, made a certayne agreement and diuision of the realme, betweene him & Canutus the sonne of Sweno, and so dyed, leauing his eldest sonne Edmond Ironside, to succed him, who soone after dying also, left the whole realme to the said Canutus, and that by playne couenant as Canutus pretended, that the longest liuer should haue al: wheruppon the said Canutus tooke the two children of king Edmond Ironside named Edmond and Edward, and sent them ouer into Sweuelād (which at that tyme vvas subiect also vnto him) and caused them to be brought vp honorably, of vvhich two, the elder named Edmond dyed without issue, but Edward vvas married and had diuers children as after shalbe touched.

Sonnes
of King
Edmond
Ironside.

Etheldred and his sonne Edmond being dead, Canutus the Dane was admitted for king of England by the vvhole parlament & consent

King Canutus the first 1013.

of the realme, and crowned by *Alerud* Archbifhop of Canterbury, as *Polidor* faith, & he pro-
ued an excellent king, went to Rome, and was
allowed by that fea alfo. He did many vvorkes
of charity, fhewed himfelfe a good chriſtian,
& very louing and kynde to Ingliſhmen, mar-
ryed Queene Emma an Ingliſh woman and
mother to king Edward the Confefſor, &
had by her a ſonne, named *Hardicanutus*, and
ſo dyed & was much mourned by the Ingliſh,
after he had reigned 20. yeares, though his en-
trance and tytle vvvas partely by force and par-
tely by election, as before you haue hard.

After this *Canutus* the firſt, ſurnamed the
great (for that he was king ioyntely both of
England Norway, and Denmark) vvvas dead, *Po-
lidor* faith that al the ſtates of the realme mett
together at Oxford to conſult whom they ſhould
make king, and at laſt by the more part of voices was
choſen, *Harald* the firſt ſonne of *Canutus* by a concu-
bine, by vvvhich election vve ſee iniury was done
to the lineal ſucceſſion of three parties, firſt to
the ſonnes of king *Edmond Ironſide* that were
in Sweueland then to the princes *Edward* and
Alerud ſonnes to king *Ethelred*, and brothers to
Ironſide that were in Normandy, and thirdly
to *Hardicanutus*, ſonne to *Canutus* by his law-
ful wife *Emma*, to whom it was alſo aſſured at
her mariage, that her iſſue ſhould ſuccede, if
ſhe had any by *Canutus*.

After the death of this *Harald*, vvho dyed
in Oxford vvher he was elected, within three
yeares

King ha-
rald the
baſtard
1038.

Polyd. l. 8.
hiſt. angl.

yeares after his election, ther came from Den-
mark Hardicanutus to clame the crowne, that
his father & brother had possessed before him,
of vvwhose comming Polidor saith, *libentissimis* King har-
animis accipitur communique omnium consensu rex dicanu-
dicitur. He was receaued vvith great good vvil tus. Anno
of al, and by common consent made king, and 1041.
this vvvas done by the states vvithout any respect
had of the succession of those Princes in Nor-
mandie and Sweeland, vvho by birth were be-
fore him as hath bin shewed, and this is the 2.
breach of lineal discent after Etheldred.

But this Hardicanutus being dead also, vppō
the sudden at a certayne banket in Lambeth by
London vvithout issue, vvithin two yeares after
his coronation, the states of the realme had de-
termyned to chuse *Alured* for their king, vvho Alured
was yonger brother to Edward, and for that the yon-
cause sent for him out of Normandy as Polidor ger bro-
recounteth, and had made him king vvithout ther pre-
al doubt (for that he vvvas esteemed more styr- ferred.
ring & valiant then his elder brother Edward)
had not Earle Goodwin of kēt fearing the yong
mans stomake rayfed a strong faction against
him, and theruppon also caused him to be tray-
terously murthered as he passed through kent
toward London, nor had the state heer-in any
respect to antiquitie of blood, for that before
Alured, vvvere both his own elder brother prince
Edward (vvho after him vvvas chosen king) and
before them both vvvere Edmond and Edward
the childrē of their elder brother, Edmon Iron-

side, as hath bin said, and this the third breache of lineal discent.

King
Edvard
the con-
fessor
made
K. against
right of
successiō.

But this notwithstanding, *Alerud* being slayne, prince Edward was made king, *tanta publica letitia* (saith Polidor) *vt certatim pro eius felici principatu, cuncti vota facerent.* That is, he vvas made king vvith such vniversal ioy and contentment of al men, as euery man contended, who should pray and make most vowes to God for his happie reygne, and according to this was the successe, for he vvas a most excellent prince, and almost miraculously he reigned vvith great peace and void of al war at home and a broad, for the space of almost 20. yeares after so infinit broyles as had bin before him, and insued after hym, and yet his title by succession can not be iustified, as you see, for that his eldest brothers sonne was thē aliue, to wit prince Edward surnamed the outlaw, vvho in this kinges reygne came into Ingland and brought his vvife and three lawful children vvith him, to wit *Edgar*, *Margaret*, & *Christian*, [but yet vvas not this good king Edward so scrupulous, as to giue ouer his kingdome to any of them, or to doubt of the right of his owne title, vvich he had by election of the common wealth, against the order of succession.

Prince
Edvard
the out-
law and
his chil-
dren put
back.

This king Edward being dead vvithout issue, Polidor saith that the states made a great consultation, vvhom they should make king, and first of al it semeth they excluded him, that was only next by propinquity in blood, vvich vvas

Edgar

Edgar Adelin, sonne to the said prince Edward the outlaw now departed, and nephew to king Edmond Ironside, and the reason of this exclusion is alleaged by Polidor in thes vvordes, *is* Polyd. l. 1.
puer id ætatis nondum regno gubernando maturus erat: That is, he bing a child of so smale yeares, vvas not ripe enough to gouerne the king-
dome, and then he saith that *Harald*. sonne of Harald second K. by election. 1066.
Earle Goodwin, by the daughter of Canutus, the first, proclaymed himselfe king, and more
ouer he adderth, *Non displicuit omnino id factum populo, qui plurimum spei in Haraldæ virtute habebat, itaque more maiorum sacratus est,* vvwhich is, this fact
of Harald displeased not at al the people of Ingland, for that they had great hope in the vertue of this Harald, & so vvas he annoynted and crowned according to the fassion of the anciët kings of Ingland, by vvwhich vvordes vve may see, that Harald had also the approbation of the realme to be king, notwithstanding that lytle Edgar vvas present as hath bin said, so as this was the fourth breach of succession at this tyme.

But in the meane space, William Duke of vWilliam Duke of Normandy King of England. An. 1066. by election.
Normandy pretended that he vvas chosen before by king Edward the Confessor, and that the realme had giuen their consent therunto, and that king Edward left the same testified in his last wil and testament, and albeit none of our Inglish authors do auow the same cleerly, yet do many other forrayne writers hold it, and it semeth very probable that some such thing
O 4 had stap.

had past, both for that duke William had many in England that did fauor his pretence at his entrance, as also as Girard in his French storie saith, that at his first comming to London, he punished diuers by name, for that they had broken their othes and promises in that behalfe: And moreouer it appereth that by allea-
 ging this title of election, he moued diuers princes abroad to fauour him in that action, as in a iust quarrel, vvhich is not like they should haue done, if he had pretended only a conquest, or his title of consanguinity, vvhich could be of no importance in the vworld, for that effect, seing it was no other but that his grand father and king Edwards mother, vvere brother and sister, which could giue him no pretence at al to the succession of the crowne, by bloode, and yet vve see that diuers princes did assist him, and among others the French chronicler Girard, so often named before, vvri-
 teth that Alexander the second pope of Rome, (whos holines vvas so much esteemed in those dayes as one *Constantinus Afer*, wrote a booke of his miracles) being informed by Duke William of the iustnes of his pretence, did send him his benediction and a precious ring of gold, vvith a hallowed banner, by vvich he gott the victory, thus writeth Girard, in his French chronicles, and *Antoninus* Archbishop of Florence surnamed *Saint*, vvriting of this matter in his chronicles speaketh great good of William Conqueror, and commendeth his enterprife. But
 howsoeuer

Girard. li.
 6. an. 1065

Chron.
 Cassin. l. 3
 cap. 34.

Antoni-
 nus part.
 2. chron.
 tit. 16.
 cap. 5. §. 1.

howsoever this was the victory vve se he gat,
and God prospered his pretence, and hath con-
firmed his ofspring in the crowne of England
more then 500. yeares together, so as now ac-
counting from the death of king Edmond
Ironside, vnto this man, we shal finde (as be-
fore I haue said) in lesse then 50. yeares, that 5.
or 6. kings vvere made in England one after
another, by only authority and approbation of
the common wealth, contrary to the ordina-
ry course of lineal succession by propinquitie
of blood.

And al this is before the conquest, but if vve
should passe any further downe, we should
finde more examples then before. For first the
two sonnes of the Conqueror himselfe, that Examples
after the
conquest.
succeeded after him, to vvit william Rufus and
Henry the first, were they not both yonger
brothers to Robert Duke of Normandie, to
whom the most part of the realme vvas inclined
(as Polydor sayth) to haue giuen the kingdome Polyd. in
vita Gul.
Conq.
presently after the Conquerors death, as devv
to him by succession, notwithstanding that
VVilliam for particuler displeasure against his
elder sonne, had ordeyned the contrary in his
testament. But that Robert being absent in the
war of Hierusalem, the holy and lerned man
Lanfranke (as he vvas accompted then) Arch-
bishop of Canterbury being deceaued vvith
vaine hope of VVilliam Rufus good nature, VVilliam
Rufus
King
An 1017.
perswaded them the contrary, who vvas at that
day of high estimation, & authority in England,

and so might induce the realme to do what he liked.

Henry 1.
An. 1100.

By like meanes gat Henry his yonger brother the same crowne afterwards, to wit by faire promises to the people, and by helpe principally of Henry Newborow Earle of warwick, that dealt with the nobility for him, and Maurice bishop of London with the cleargie, for that Anselme Archbishop of Canterbury vvas in banishment. Besides this also it did greatly healepe his cause, that his elder brother Robert, (to vvhom the crowne by right apperteyned) vvas absent againe this second tyme in the warr of Ierusalem, and so lost therby his kingdome, as before: Henry hauing no other title in the world vnto it, but by election and admission of the people, which yet he so defended afterwards against his said brother Robert, that came to clayme it by the sword, and god did so prosper him ther-in, as he tooke his said elder brother prisoner, and so kept him for many yeares, vntil he dyed in prison most pitifully.

Mathild.
the em-
presse.

But this king Henry dying, left a daughter behind him named Mawde or Mathilde, which being married first to the Emperour Henry the fift, he dyed without issue, and then vvas she married agayne the secōd tyme to Geffry Plantagenet Earle of Anjow in France, to whom she bare a sonne named Henry, vvhich this king Henry his grand father, caused to be declared for heyre apparent to the crowne in his dayes, but yet after his disceasse, for that Stephē Earle of Bol-

of Bollogne, borne of Adela daughter to William the Conqueror, was thought by the state of England to be more fitt to gouerne, and to defend the land (for that he was at mans age) then vvas prince Henry a child, or Maude his mother, he vvas admitted, and Henry put back, and this chiefly at the perswasion of Henry bishop of winchester, brother to the said Stephen, as also by the solicitation of the Abbot of Glaftenbury and others, vvho thought be like they might do the same, with good conscience for the good of the realme, though the euent proued not so wel, for that it drew al England into factions and diuisions, for auoyding and ending wherof, the states some years after, in a parlament at Wallingford made an agreement, that Stephen should be lavvful king, during his life only, and that Henry and his offspring should succede him, and that prince William king Stephens sonne should be depriued of his succession to the crowne, and made only Earle of Norfolcke, thus dyd the state dispose of the crowne at that tyme, vvch vvas in the yeare of Christ 1153.

King Stephen
entred
against
successio
1135.

An act of
parlamēt
about
successio
1153.

To this Henry succeeded by order his eldest sonne then liuing, named Richard, and surnamed *Cordelyan*, for his Valor, but after him agayne, the succession vvas broken. For that Iohn king Henries yongest sonne, to vvit yōger brother to Richard, vvhom his father the king had left so vnprouided as in iest he vvas called by the french *Iean sans terre*, as if you vvould saye Sir

King Richard and
king Iohn
1190.

saye Sir Iohn lacke-land : this man I say, vvas after the death of his brother, admitted and crowned by the states of Ingland, and Arthur Duke of Britaine, sonne and heyre to Geffery (that vvas elder brother to Iohn) vvas against the ordinarie course of succession excluded.

Prince Ar-
tur put
back.

And albeit this Arthur did seeke to remedy the matter, by warr, yet it semed that god did more defend this election of the common wealth, then the right title of Arthur by succession, for that Arthur vvas ouer-come, and taken by king Iohn, though he had the king of Fraunce on his side, and he dyed pitifully in prison, or rather as most authors do hold, he was put to death by king Iohn his vncles own handes in the castle of Roan, therby to make his title of succession more cleare, which yet could not be, for that as wel Stow in his Chronicle, as also Mathew of westminster and others before him, do write, that Geffrey besides this sonne, left two daughters also by the lady Cōstance his wife, Countesse & heyre of Britaine, which by the law of Ingland should haue succeded before Iohn, but of this, smal accōpt seemed to be made at that day.

Two si-
sters of
prince Ar-
tur Duke
of Britai-
ne.

X. Iohn
and his
sonne re-
iected
1216.

Some yeares after, when the Barons and states of Ingland misliked vterly the gouernment and proceeding of this king Iohn, they reiected him agayne, & chose *Luis* the prince of France to be ther king, and dyd sweare fealtie to him in London, as before hath bin saide, and they depriued also the yong prince Héry his sonne,
that was

that was at that tyme, but of 8. yeares ould, but vppon the death of his father king Iohn, that shortly after insued, they recalled agayne that sentence, & admitted this Henry to the crowne by the name of king Henry the third, and disannulled the oth and allegiance made vnto *Luy*s Prince of France, and so king Henry reigned for the space of 53. yeares afterwards, the longest reygne (as I thinke that any before or after him hath had in England.

Moreover you know that from this king Henry the third, do take their first beginning the two branches of York and Lācaster which after fell to so great contention about the crowne: Into which if we vvould enter, vve should see playnly as before hath bin noted, that the best of al their titles after the depositiō of king Richard the second, depended of this authority of the common wealth, for that as the people were affected and the greater parte preuailed, so were their titles ether allowed cōfirmed altered or disannulled by parlaments, and yet may not we wel affirme, but that ether part vwhen they vv ere in possession and confirmed therein by thes parlaments, were lawful kings, and that God concurred vvith them as vvith true princes for gouermēt of their people, for if vve should deny this pointe, as before hath bin noted, great inconueniences vvould follow, & vve should shake the states of most princes in the world at this day, as by examples which already I haue alleaged in part may appeare.

The titles
of york &
Lācaster.

And

The con-
clusion of
this cha-
pter.

And vvith this also I meane to conclude and end this discourse in like manner, affirming that as on the one side propinquity of bloode is a great preheminence towards the atteyning of any crowne, so yet doth it not euer bynde the commō wealth to yeald ther-vnto, if waightier reasons should vrge them to the contrary, nether is the common wealth bound alwayes to shutt her eyes, and to admit at hap-hazard, or of necessity euery one that is next by succession of bloode, as Belloy falsely & fondly affirmeth, but rather she is bound to consider vvell and maturely the person that is to enter, vvwhether he be like to performe his duety and charge committed vnto him or no, for that otherwise to admitt him, that is an enemye or vnfit, is but to destroy the common wealth, and him together. This is my opinion, and this seemeth to me to be conforme to al reason, law, religion, piety, vvvisdome, and pollicy, and to the vse and custome of al vvell gouerned common wealthes in the vvorld, nether do I meane heereby to preiudice any princes pretence or succession to any crowne or dignitie in the vvorld, but rather do hold that he ought to enioy his preheminence, but yet so, that he be not preiudical therby to the whole body, which is euer to be respected more then any one person, vvhatsoever Belloy or other of his opinion do say to the contrary.

Thus said the Ciuilian, and being called vpon and drawne to a new matter by the question

tion that ensueth, he made his last discourse & conclusion of the vvhole matter, in manner following.

VV H A T A R E T H E P R I N C I P A L P O I N T S W H I C H A C O M M O N - V V E A L T H O U G H T

*to respect in admitting or excluding of any prince,
that pretendeth to succcede: wherein is hand-
lid largely also of the diuersitie of
religions and other such
causes.*

C A P. I X.

AFTER the Ciuilian had alleaged al thes
examples of succession altered or reiected
by publique authoritie of common wealthes,
and of the allowance and approbation & good
successe vvhich for the most part god semeth to
haue giuen vnto the same, one of the company
brake forth and said, that this poynt appeared
so eident vnto him, as no doubt in the vworld
could be made therof, I meane, whether this
thing in it selfe be lawful or no, to alter some-
tymes the course of succession, seing that al cō-
mon vvealthes of Christendome, had donne it
so often, Only he said, that it remayned some-
what doubful vnto him, whether the causes al-
leaged in thes mutations, and chainges before
mentioned, were alwayes sufficient or no, for
that sometymes they semed to him but weake
and

*Causes of
excluding
Princes.*

and slender, as when (for example) the vncle was preferred before the nephewes, for that he vvas a man and the other children, which cause and reason hath oftentimes byn alleaged in the former exāples, both of Spaine, Fraunce, and England, as also vvhen the yonger or bastard brother is admitted, & the elder and legitimate excluded, for that the one is a warriour, & the other not, and other such like causes are yealded (said he) in the exclusions before rehearsed, vvwhich yet seme not some-times vvaighly enough for so great an affaire.

vvhoe
must iudge of the
lawful
causes of
exclusions.

To this answered the Ciuillian, that according to their law, both ciuil and canon (vvwhich thing also he affirmed to be founded in great reason) it is a matter most certayne, that he vvho is iudge and hath to giue the sentence in the thing, it selfe, is also to iudge of the cause, for therof is he called iudge, and if he haue authority in the one, good reason he should also haue power to discerne the other, so as, if vve graunte according to the forme & proofes, that the realme or common vvealth hath povver to admitt or put back the prince or pretender to the crowne, then must vve also confesse that the same common vvealth, hath authority to iudge of the lawfulness of the causes, and considering further that it is in ther owne affaire, & in a matter that hath his whole beginning, continuance and substance from them alone, I meane from the common wealth, for that no man is king or prince by institution of nature, as before

as before hath bin declared, but euery king and kings sonne, hath his dignity and preheminēce aboute other men, by authority only of the cōmon vvealth : who can affirme the contrary said the Ciuilian? but that god doth allow for a iust and sufficient cause in this behalfe, the only vvil and iudgment of the weal publique it selfe, supposing alwayes (as in reason we may) that a whole realme wil neuer agree by orderly vvay of iudgment (for of this only I meane and not of any particuler faction of priuate men agaynst ther heyre apparēt) to exclude or put back the next heyre in blood and succession without a reasonable cause, in their sight and censure. And seing that they only are to be iudges of this case, (as now I haue said) vve are to presume that vvhat they determyne, is iust and lawful for the tyme, and if at one tyme they should determine one thing, & the contrary at an other, (as they did often in In- gland during the contention betwene York & Lancaster and in other like occasions) vvhat can a priuate man iudge otherwise, but that they had different reasons and motions to leade them at different tymes, and they being properly lords and owners of the vvhole busmes, committed vnto them, it is enough for euery particuler man to subiect himselfe to that vvch his common vvealth doth in this behalfe, and to obey simply without any further inquisition, except he should see that open iniustice vv ere donne therein or God manifestly

offended, and the realme indangered.

Open iniustice to be resisted.

Open iniustice I cal (said he) when not the true common wealth, but some faction of wicked mē should offer to determine this matter, vvithout lawfull authority of the realme committed to them, and I cal manifest offence of God, and danger of the realme, when such a man is preferred to the crowne, as is euident that he wil do vvhat lyeth in him to the preiudice of them both, I meane bothe of Gods glory and the publique wealth, as for example, if a Turke or Moore (as before I haue said) or some other notorious wicked man, or tyrant, should be offred by succession or otherwise to gouerne among Christians, in which cases euery man (no doubt) is bound to resist vvhat he can, for that the very end and intent for which al gouernēt vvas first ordeyned, is herein manifestly impugned.

Vvhat are the cheefe pointes to be regarded in a princes aduision.

Thus the Ciuilian discoursed, and the whole company seemed to like very vvell therof, for that they said his opinion appeared both prudent and pious, and by this occasiō it came also presently in question, vvhat vv ere the true causes and principal points, which ought to be chiefly regarded, as vv el by the commō wealth as by euery particuler man, in this great action of furthering or hindering any Prince towards a crowne. And they said vnto the Ciuilian, that if he vvould discusse in like manner this pointe vnto them, it would be a very apt and good cōclusion to al his former speech and discourses, which

vvhich hauing bin of the authority that weale publikes haue ouer princes titles, this other of the causes and considerations that ought to lead them for vse and excercise of the same authority, would sal very fit and necessary for the vp shott of al.

Heerunto the Ciuilian answered, that he wel saw the fitnes and importance of the matter, and therfore that he was content to speak a word or two more therof, notwithstanding that much had bin said alredy therin, to witt, in al those pointes which had bin disputed about the end of gouerment, and why it vvas appoynted, which ende (said he) seing it is (as largely hath bin proued before) to defend, preserue, and benifite the common wealth, heer hence, that is, from this consideration, of the weal publike, are to be deduced al other considerations of most importance, for discerning a good or euel prince. For that whosoeuer is most likely to defend, preserue, and benifite most his realme and subiects, he is most to be allowed and desyred, as most conforme to the end for vvhich gouerment was ordeyned.

vvhence
the rea-
sons of
admit-
ting or re-
iecting a
prince are
to be ta-
ken.

And on the contrary side, he that is least like to do this, deserueth least to be preferred, and heer (quoth he) you see doth enter also that consideration mentioned by you before, which diuers common vvealthes had in putting back ostentymes children & impotēt people (though otherwise next in blood) from succession, and pteferring more able men though further of by

discent, for that they were more like to defend well ther realme and subiects then the others were.

But to proceede (said he) more distinctly and more perspicuously in this matter, I would have you cal to mynde one point among others which I alleaged before, out of Girard the frēch author, to wit, that the king of france in his coronation is new apparaled three tymes in one day, once as a priesste, & then as a iudge, and last as a king armed. Thetby to signifie three thyn- ges committed to his charge, first religion, then iustice, then man-hood and chiuallry, for the defence of the realme.

This diuision semeth to me very good and fitt (quoth he) and to comprehend al that a wealpublique hath neede of, for her happy state and felicity, both in soule and body, and for her end, both supernatural and natural. For by the first which is religion, her subiects do at- tayne vnto their end spiritual & supernatural, which is the saluation of their soules, & by the second and third, which are iustice and defēce, they enioy their felicity temporal, which is to live in peace among them selues, and safety from their enemyes, for which cause it seemeth that these are the three points which most are to be regarded in every Prince, that commeth to gouernment, and much more in him that is not yet admitted therunto, but offereth him- selfe to the common wealth for the same pur- pose.

And

Girard li.
3. del'E-
stat pag.
242.

Three
principal
points to
be confi-
dered.

And for that the later two of thes three points which are iustice & man-hood, hath bin often had in consideration, in the examples of changes before mentioned, and the first point which is religion, hath rarely or neuer at al byn talked of, for that in former tymes the prince and the people were alwayes of one and the same religion, and scarce euer any question or doubt fel in that behalfe (which yet in our dayes is the principal differēce and chiefeft difficultie of al other) for thes causes (I say) shal I accommodate my selfe to the circumstance of the tyme, wherein we liue, and to the present case vvhich is in question betwixt vs about the succession of England, and leauing a side those other two considerations of iustice and chivalry in a king, vvhich are far lesse important, then the other (though yet so highly regarded by ancient common wealthes as you haue hard) I shal treat principally of religion, in this place, as of the first and highest, and most necessary pointe of al other, to be considered in the admission of any prince, for the profit of his subiects: for that without this, he destroyeth al, and vwith this, albeit he should haue defects in the other two pointes of iustice and manhode, yet may it be holpen, or his defect or negligence maye be supplied much by others, as after I shal shew more in particuler, but if he vvant feare of God, or care of religion, or be peruerly persuaded therein, the damage of the weale publique is inestimable. First of al then, for better

Vvhy he
resolueth
to treat of
religion
principal-
ly.

The cheef
end of a
common
wealth
superna-
tural.

vnderstanding of this point, vve are to suppose, that the first cheefest, and highest ende that God and nature appointed to euery common wealth, vvas not so much the temporal felicity of the body, as the supernatural and euerlasting of the soule, and this vvas not only reuealed to the Iewes by holy scripture, but also vnto the gentiles and heathens by the instinct and light of nature it selfe. For by this light of natural reason, the learned sort of them came to vnderstand the immortality of the soule, & that her felicity perfection and ful contentmēt, which they called her final ende and *summum bonum*, could not be in this life, nor in any thing created vnder heauen, but must needs be in the life to come, and that by atteyning to enioy some infinite endles & immortal obiect, which could fully satisfie the appetite of our soule, & this could be no other then God, the maker of al himselfe. And that consequently al other things of this transitory life, and of this humane common wealth, subiect to mans eyes, are ordeyned to serue and be subordinate & directed to the other higher ende, and that al mans actions in this vworld, are first of al, and in the highest degree, to be imployed to the recognizing, seruing, and honoring of this great Lord that gouerneth the whole, as author and end of al.

Philoso-
phers and
law makers
vwhat
end they
had of
ther
doings.

To this light I say, came the heathens euen by the instinct and direction of nature, wherof insued that ther was neuer yet pagan Philosopher

pher that wrote of framing a good common
 vvealth as *Socrates, Plato, Plutarch, Cicero*, and
 others, nether lawmaker among them that left
 ordinâces for the same purpose, as *Deucalion, Mi-
 nos, Zaleucus, Licurgus, Solō, Ion, Numa*, or the like,
 vvhich besides the temporal ende of directing
 thinges wel for the body, had not especial care
 also, of matters apperteyning to the mynde,
 to vvit, of nourishing, honoring, and re-
 vvarding of vertue, and for restrayning and
 punishing of vice, and vvickednes, vvherby
 is euident that their end and butt was to
 make their cytizens good and vertuous, which
 vvvas a higher end, then to haue a bare con-
 sideration of temporal and bodily benefits
 only, as many gouernours of our dayes
 (though Christians in name) seeme to haue,
 vvho pretend no higher end in ther gover-
 nment then bodily vvealth, and a certayne
 temporal king of peace and iustice among
 ther subiects, vvhich diuers beasts also do reach
 vnto., in ther congregations and common
 wealthes, as is to be seeme among emetts and
 bees, cranes, lyons, and other such creatures,
 that by instinct of nature are sociable, and do
 liue in company, and consequently also do
 maynteyne so mnch order and pollicy in ther
 common vvealth, as is needful for their preser-
 uation and continuance.

The com-
 mon
 vvealth
 of bea-
 stes.

But nature taught man a far higher
 and more excellent ende in his common
 wealth, which was not only to prouide for thos

The nare-
 ral end of
 mans cō-
 mon
 vvealth.

bodily benefits that are common also to creatures without reason, but much more for those of the mynd, and aboue al for the seruing of that high and supreme God, that is the beginning & end of al the rest. For whose seruice also they learned by the same instinct and institutiō of nature, that the chiefeſt and ſupremeſt honor that could be done vnto him in this life by man, was the honor of sacrifice and oblations, vvhich we ſee vvas begun and practiſed euen in thoſe firſt beginnings of the law of nature, before the leuitical law, and the particuler formes of this ſame law, were preſcribed by Moyſes. For ſo we read in Genesis of Noë, that he made an alter and offred ſacrifices to God vpon the ſame, of al the beaſtes and byrdes that

Gen 3, 20. he had in the arke, *odoratusque eſt Dominus odorem ſuauitatis*, and God receaued the ſmel, of theſe ſacrifices, as a ſweet ſmel. Which is to ſay, that God was highly pleaſed therewith, and the like vve reade of Iob that vvas a gentile, and lined before Moyſes, *Sanctificabat filios conſurgensque diluculo offerebat holocauſta per dies ſingulos*. He did ſanctifie his children, and riſing early in the morning did offer for them holocaſtes or burnt ſacrifices every day.

This men vſed in thoſe dayes, and this they were taught by law of nature, I meane both to honor God aboue al things, and to honor him by this particuler way of ſacrifices, vvhich is proued alſo euidently by that which at this day is founde and ſeene in the Indians, vvhether

neuer

Sacrifices
and obla-
tions by
nature.

Iob. 1.

neuer any notice of Moyſes law came, and yet no nation hath euer bin found among them, that acknowlegeth not ſome kinde of God, and offereth not ſome kinde of ſacrifiſe vnto him.

And albeit in the particuler meanes of honoring this God, as alſo in diſtinguiſhing betweene falſe Gods and the true God, theſe people of the Indiāſ haue fallen into moſt groſſe & infinite errors, as alſo the gentiles of Europe, Aſia, & Africa did, by the craft & ſubtilty of the diuel, which abuſing their ignorance, did thruſt him ſelfe into the place of God, and deriued & drew thoſe ſacrifiſes and ſupreme honors vnto himſelfe, vvhich vvere dew to God alone, yet is it euident heerby (and this is ſufficient for our purpoſe) that by God & nature, the higheſt and chiefeſt end of euery common vvealth, is *Cultus Dei*, the ſeruice of God, and religion, and conſequently that the principal care & charge of a prince and magiſtrate euen by nature it ſelfe, is, to looke therunto, wherof al antiquity both among Iewes and Gentiles, vvere vvont to haue ſo great regard, as for many yeares and ages their kings & chiefe magiſtrates vvere alſo preeſtes: and diuers lerned men do hold, that the priuilege and preheminence of primogenitura or the firſt borne children, ſo much eſtemed in the law of nature (as before vve haue ſeene) cōſiſted principally in this, that the eldeſt ſonnes were preeſtes & had the charge and dignity of this greateſt action of al

The chiefe end of a common vvealth & magiſtrates is religion.

Gene-
bra. l. 1.
Chronol.
de ſtat.
te. Geneſ.
25. & 29.
Deut. 21.
2. Paral. 21

other vppon earth, vvhich our temporal Magistrates so little regard now.

Regard of
religion
among
gentiles.

And this respect and reuerence towards religion vvas so greatly planted in the breasts of al nations by nature herselfe, as Cicero pronounced, this general sentence in his tyme.

Cicero li.
1. quest.
iust. &
de natura
deorum
lib. 1.

Nulla est gens tam fera, nulla tam immanis, cuius mentem non imbuerit deorum colendorum religio.

Ther is no nation so fearece or barbarous, whose myndes are not indued vvhith some religion of worshipping Gods.

Plutarch
aduersus
Colotem.

And Plutarch writing against a certaine Atheist of his tyme saith thus: If you trauaile far countries, you may chance to find some cities, without learning, without kings, without riches, without money, but a citty without temples, and without Gods and sacrifices, no man yet hath euer seene. And finally

Aristo. 1. 7
politi. c. 2.

Aristotle in hys politiques hauing numbred diuers things, necessary to a common wealth, addeth thes wordes. *Quintum & primum. Circa rem diuinam cultus, quod sacerdotium sacrificiumque vocant.*

In the fift place (which in deed ought to be the first of al other) is necessary to a common wealth, the honor and seruice dew vnto God, which men commonly do comprehend by the woordes of preest-hode and sacrifice.

The absurd
Athisme
of our
tyme in
politi-
ques.

Althys I haue alleaged to confute euen by the principles of nature herselfe, the absurd opinions of diuers atheists of our tyme, that will seeme to be great politiques, who affirme that religion ought not to be so greatly respected in a prince, or by a prince, as though it were

it were his chiefest care or the matter of most importance in his gouernment, which you see how false and impious it is, euen among the gētiles themselves, but much more amōg christians, who haue so much the greater obligatiō to take to hart this matter of religion, by how much greater light & knowledge they haue of God, and therfore we see that in al the princes othes which before you haue hard recited to be made & taken by them at their admissiō & coronation, the first and principal point of al other, is about religion & maintenance therof, and according to this oth also of supreme princes, not only to defend and maynteyne religion by themselves in al ther states, but also by their lieftenaunts and vnder gouernours, we haue in our ciuil law a very solemne forme of an oth which Iustinian the Emperor, aboue a thousand and 50. yeares gone, vvas wont to giue to al his gouernours of countries, citties and other places, before they could be admitted to their charges, and for that it is very effectual, & that you may see therby what care there was of this matter at that tyme: and vwhat manner of solemne and religious protestations, as also imprecations they did vse therin, it shal not be amisse perhapps to repeat the same in his owne woords which are thes following.

See before the othes made by princes at their coronations in the 4. chapter.

The title in the Ciuil law is: *inrumentum quod Prestatur, ijs qui administrationes accipiunt*, the oth vvhich is given to them that receaue gouernments, and then the oth beginneth thus.

The oth to gouernors for defence of religion.

Collat. 2.
Nouella
constit.
Iustin
tit. 3.

Iuro per Deum omnipotentem & filium eius vnigenitū
Dominum nostrum Iesum Christum & Spiritum san-
ctum, & per sanctam gloriosam Dei genitricem &
semper virginem Mariam, & per quatuor euangelia
quæ in manibus meis teneo, & per sanctos archangelos
Michaelē & Gabrielē puram conscientiam germa-
numque seruitium me seruaturum sacratissimis nostris
Dominis Iustiniano & Theodosiæ coniugi eius, occasione
tradita mihi ab eorū pietate administrationis. Et quod
cōmunicator sum sanctissimæ Dei Catholica & Apostoli-
cæ Ecclesiæ, & nullo modo vel tempore aduersaborei, nec
alium quocunque permittam quātum possibilitatē ha-
beam, & si vero non hæc omnia seruauero, recipiam
omnia incōmoda hic & in futuro seculo in terribili iu-
ditio magni Domini Dei & saluatoris nostri Iesu Chri-
sti, & habebō partē cum Iuda & cū lepra Giezi, & cum
tremore Cain, insuper & penis quæ lege eorum pietatis

Note the
forme of
this othe
vveryen.
An Dñi
360.

continentur ero subiectus. Which in English is thus,
I do sweare by almightie God, and by his holy
sonne our Lord Iesus Christ, and by the holy
ghost, and by the holy glorious mother of God,
„ the perpetual virgin Marie, and by the foure
„ holy ghospells which I do hold in my hand, &
„ by the holy archangels S. Michel and S. Gabriel,
„ that I wil kepe a pure conscience, & performe
„ true seruice vnto the sacred persons of our
„ Lords and princes Iustinian and Theodosia his
„ wife, in al occasions of this gouernment, by their
„ benignity committed vnto me. Moreouer I do
„ sweare that I am communicant and member of
„ the most holy Catholique and Apostolique
„ church of God, and that I shal neuer at any
tyme

tyme heerafter be contrary to the same, nor suffer any other to be, as much as shal ye in my possibilitie to let. And if I should break this oth or not obserue any poynt therof, I am content to receaue any punishment both in this vworld as also in the world to comme, in that last and most terrible iudgment of our great Lord and saueour Iesus Christ, and to haue my part with Iudas, as also with the leprosy of Giezi and with the feare and trembling of damned Cain: and besides al this I shalbe subiect to al punishments that are ordeyned in the lawes of their *Maiestyes*, concerning this affaire.

This oth did al the gouernours of christian countrys take in old tyme, vwhen christian Emperors did florish, and it hath remayned for a law and president euer since to al posterity. And if we ioyne this vwith the other othes before set downe in the fift chapter, vwhich Emperors and kings did make themselves (vnto their ecclesiastical Prelates, at their first admissiō) about this point: vve should see nothing vvas so much respected in admission of a prince, or Gouvernor (nor ought to be) as religion, for that (as I haue said before) this is the chiefest, greatest, & highest ende, of euery common vwealth, entended both by God and nature, to assist their subjects to the atteyning of their supernatural ende, by honoring and seruing God in this life, and by liuing vertuously, for that otherwise God should draw no other frute or commodity out of humane common vwealthes

vvealthes, then of an assembly of brutish creatures, maynteyned only and gouerned for to eate drink and liue in peace, as before hath bin declared.

How
great a
defect is
want of
religion
in a Ma-
gistrate.

But the end of man being far higher then this: it followeth that what-soeuer prince or magestrate doth not attend vvith care to assist and helpe his subiects to this ende, omitteth the first and principal part of his charge, and committeth high treason against his lord and master, in whose place he is, and consequently is not fitt for that charge and dignity, though he should performe the other two partes, neuer so vvell, of temporal iustice and valor in his person, vvwhich two other poyntes do apperteyne principally to the humane felicity and baser ende of mans weale publique, and much more of a christian.

Lack of
religion
the che-
fest cause
to exclud
a preten-
dor.

Heerof it insueth also that nothing in the vvorld can so iustly exclude an heyre apparent from his succession, as want of religion, nor any cause what so-euer iustifie and cleare the conscience of the common wealth, or of particuler men, that in this case should resist his entrance, as if they iudge him faulty in this point, which is the head of al the rest, and for vvwhich al the rest do serue.

You do remember that before I compared an heyre appatent vnto a spouse, betrothed only and not yet marryed, to the common vvealth. Which espousal or betrothing, according to al law both diuine and humane, may be broken

Vide Di.
gest. li. 23.
tit. 1 leg. 3
& 16.

be broken and made voyd much easier and
 vpon far lesler causes then an actual perfect
 marryng may, of vvhich our sauiour him-
 selfe said. *Quos Deus coniunxit homo non sepe-* Math. 14.
rat, vvhom God hath ioyned let to man sepe- Marc. 10
 rate, and yet saint Paule to the Corinthians
 determineth playnely, that if two gentiles
 marryed together in ther gentility, (vvhich 1. Cor. 7.
 none denyeth to be true mariage for so much
 as concerneth the ciuil contract) and afterward
 the one of the being made a christiā, the other
 vvill not liue with him or her, or if he do, yet
 not vvithout blaspheming of God & tempting
 him to sinne: in this case (I say) the Apostle
 teacheth, and out of him the canon law set-
 teth it downe for a decree, that this is sufficiēt
 to break & dissolue viterly this heathē mariage,
 although cōsummate betwene these two par- Lib. 4 de-
 ties, and that the christian may mary againe, cret.
 and this only for the want of religion in the Greg. tit.
 other party, vvhich being so in actual mariage 19. c. 7.
 alredy made and cōsummate, how much more
 may it serue to vndoe a bare betrothing, which
 is the case of a pretender only to a crowne, as
 before hath bin shewed.

But you may say perhapps, that saint vvhether
 Paule speaketh of an infidel or heathen, that differēce
 denyeth Christ playnely, and vvith vvhom in religiō
 the other party cannot liue, vvithout danger be infide-
 of sinne and leeing his sayth, vvich is not lity.
 the case of a christian Prince though he be
 somevvhat different from me in religion, to
 vvich

vvhich is answerd, that supposing ther is but one only religion that can be true among christians, as both reason and *Athanasius* his *Crede*, doth playnely teach vs: and moreouer seing, that to me ther can be no other fayth or religiō auaylable for my saluation then only that vvhich I my selfe do beleeuē, for that my owne conscience must testifie for me, or against me: certaine it is, that vnto me and my conscience he vvhich in any pointe beleueth otherwise then I do, and standeth vvilfully in the same, is an infidel, for that he beleueth not that vvhich in my fayth and conscience, is the only and sole truth, vvherby he must be saued. And if our sauour Christ him selfe in his gospel, doth vvil certayne men to be held for heathens, not so much for difference in fayth and religion, as for lack of humility & obediēce to the church: how much more may I hold him so, that in my opinion is an enemye to the truth, and consequently so long as I haue this opinion of him, albeit his religion vvēre neuer so true, yet so long (I say) as I haue this contrary perswasion of him, I shal do against my conscience and sinne damnrably in the sight of God, to preferre him to a charge where he may draw many other to his owne error and perdition, vvherin I do perswade my selfe that he remayneth.

Act 23.

1. Cor. 8.

2. Cor. 5.

1. Pet. 3.

Math. 18.

How he
that doth
agaynst
his owne
consciēce
sinneeth.

Rom. 14.

1. Cor. 8.

& 10.

This doctrine (vvhich is common among all diuines) is founded vppon that discourse of S. Paule to the Romans and Corinthians, against such christians as being inuited to the banquetts

banquetts and tables of gentiles and finding meates offred to Idoles (which themſelues do iudge to be vnlawful to eate) did yet eate the ſame, both to the ſcandal of other infirme men ther preſent, as alſo againſt their owne iudgmēt and conſcience, which the Apoſtel ſaith vvas a damnable ſinne, and this not for that the thing in it ſelfe was euell or vnlawful, as he ſheweth, but for that they did iudge it ſo, and yet did the contrary. *Qui diſcernit ſi manducauerit, damnatus eſt*, ſaith the Apoſtle. He that diſcerneth or maketh a difference betwene this meat and others, as iudging this to be vnlawfull and and yet eateth the ſame, he is damned, that is to ſay he ſinneth damnably or mortally. Whereof the ſame Apoſtle yealdeth preſently this reaſon. *Quia non ex fide*, for that he eateth not according to his faith or beleefe, bnt rather contrary, for that he beleuing it to be euell and vnlawful, doth notwithstanding eate the ſame, and heere vppon S. Paul inferreth this vniuerſal propoſition, *Omne autem quod non eſt ex fide peccatum eſt*, al that is not of fayth or according to a mans owne beleefe, is ſinne to hym, for that it is againſt his owne cōſcience, iudgmēt & beleefe, beleeuing one thing, and doing an other, and ſeing our owne conſcience muſt be our witnes at the laſt day, to condemne or deliuer vs, as before I haue ſaid, he muſt needs ſinne greuouſly (or damnably as the Apoſtle here ſaith) vvho committerh any thing againſt his owne

See vppō
this place
of S. Paul,
S. Chri-
ſoſt. hom.
36. in hāc
epiſtolā.
Orig. l. 10.
Theodor.
in hunc
locum.

conscience, though otherwise the thing vvere not only indifferent, but very good also in it selfe, for that of the doers part ther vvanteth no malice or wil to sinne, seing he doth that which he apprehendeth to be naught, though in it selfe it be not.

Howv dā-
grous to
fauour a
pretender
of a con-
trary reli-
gion.

And now to apply al this to our purpose for England, and for the matter we haue in hand, I affirme and hold, that for any man to giue his helpe, consent or assistance towards the making of a king, whom he iudgeth or beleueth to be faultie in religion, & consequently would aduance either no religion, or the wrong, if he were in authority, is a most greuous and damnable sinne to him that doth it, of what side soeuer the truth be, or how good or bad so euer the party be, that is preferred. For if S. Paul haue pronounced so absolutely and playnly in the place before alleaged, that euen in eating of a peece of meat, it is damnable for a man to discern and yet to eate: what may we thinke wil it be in so great and important a matter, as the making of a king is, for a man to dissemble or do against his owne conscience, & iudgmēt, that is to say, to discern and iudge that he is an infidel, or heritique, or wicked mā, or Atheist or erronens in religion, and yet to further his aduancement and gouernment ouer christians, wher he shalbe able to peruert infinite, and to pull downe al honor & seruice dew vnto God. and vvwhether he do this euell afterwards or no:
yet

yet shal I be guyltie of al this, for that knowing and perswading my selfe, that he is like, or in disposition to do it, yet for feare, flattery carelesnes, kinred, emulation against others, vaine pretence of title, lacke of zeale to gods cause, or for other the like passions or temporal respects, I do fauour further or sooth him in his pretēces, or do not resist him, when it lyeth in my power, by al vvhich I do iustly make my selfe guyltie of al the euills, hurts, miseries and calamities both temporal and spiritual, vvhich afterward by his euel gouernment do or may ensue, for that I knowing him to be such a one, did notwithstanding assist his promotion.

And thus much now for matter of cōscience, but if we consider reason of state also, and wordly pollicie, it cannot be but great folly & ouersight for a man of what religion soeuer he be, to promote to a kingdome in which himselfe must liue, one of a contrary religion to himselfe; for let the bargaines and agreements be vvhath they wil, and fayre promises & vayne hopes neuer so great, yet seing the prince once made and serled, must needs proceede according to the principles of his owne religion, it followeth also that he must come quickly to break with the other party, though before he loued hym neuer so vvel, (which yet perhaps is very hard if not impossible for two of different religions to loue sincerely) but if it

Against
vvisdom
and po-
licy to
preferre a
prince of
a contra-
ry religiō.

where so, yet so many ielousies, suspitions, accusations, calumniations and other auersions must needs light vpon the party that is of different religion from the state and Prince, vnder whom he liueth, as not only he cānot be capable of such preferments, honors, charges, gouernments, and the like which men may deserue and desyer in their commō wealthes, but also he shalbe in continual danger and subiect to a thousand molestations and iniuries, which are incident to the cōdition and state of him, that is not currant which the course of his prince and realme in matters of religion, and so before he beware, he becommeth to be accounted an enemye or backward man, which to remedy he must either dissemble deeply, and against his owne conscience make shew to fauour and set forward that vvhich in his hart he doth detest (vvhich is the greatest calamitie & misery of al other, though yet many tymes not sufficient to deliuer him from suspicion) or els to auoyd this euerlasting perdition, he must break withal the temporal commodities of this life, and leaue the benefits which his countrey and realme might yeld him, and this is the ordinary end of al such men, how soft & sweet soeuer the beginnings be.

The conclusion
of the
vvhole
speech.

And therefore to conclude at length, al this tedious speech (vvhetherwith I feare me I haue wearied you against my wil) seeing ther be so great inconueniences and dangers both temporal

poral and eternal, and in respect both of God and man, of body and soule, as hath bin declared, to aduance a prince of contrary religion, to the crowne, and considering that in England there is so great diuersitie of religions, as the world knoweth, betweene these parties and factions, that haue to pretende or admitt the next prince after her Maiestie that now is: calling to mynd also the great liberty, scope, and authority which the common vvealth hath in admitting or reiecting the pretenders vpon dew considerations be their right of succession neuer so playne or cleare, as before hath bin shewed: and laying finally before our eyes the manifold and different actes, of christiam realmes, before mentioned in this affaire, al thes things (I say) being layd together, you may see whether I had reason at the beginning, to thinke and affirme, that it was a doubtful case who should be our next prince after the Queenes Maiestie that now sitteth at the sterne, and if beyond and aboue al this that I haue said, our friend the common lawyer heere present, shal proue also (as at the first enterance he promised) that amōg such as do or may pretend of the blood royal at this daye, their true succession and next propinquity by birth is also incertayne and disputable, then is the matter made ther-by much more ambigious, and God only know who shal preuaile, and to him only is the matter to be commended, as far, as I see, and vvith

this I make an ende , thanking you most
hartely for your patience, and crauing par-
don for that I haue bin ouer long, or for
any other fault that in this speech
I haue committed,

F I N I S.





THE PREFACE

OF THE SECOND

PART.

THE Ciuilian had no sooner ended his discourse, but al the company being most desirous to here what the temporal lawyer had prepared to say, about the seuerall titles of the present pretendors to the crowne of England, began with one accord to request him earnestly for the performance of his promised speech in that behalfe, who shewing himselfe nether unwilling nor unready for the same, told them, that he was content to yeald to their desyers, but yet with one condition, which was, that he would take in hand this matter with the same asseueration and protestation, with the Ciuilian in some occasions had vsed before him, and it liked him wel, to wit, that hauing to speak in this discourse of many princes, peeres, and nobles of the royal blood of England (to al which by law of nature equity and reason he said that

A protestation of the lawyer.

be bare reuerent honor and respect) and to discusse their seueral pretentions, rightes, interestes and titles to the crowne, he said, that his meaning was, to offēd, hurt, or preiudice none: nor to determyne any thing resolutly in fauor or hinderance of any of their pretences or claymes, of what side, family, faction, religion, or other party soeuer he or she were, but rather playntly and indifferently without hatred or partial affection, to or against any, to lay downe sincerly what he had hard or reade, or of himselfe conceaued, that might iustly be alleaged in fauour or disfauour of euery tytler.

And so much the rather he said that he would do this, for that in very truth the Ciuilians speech had put him in a great indifferēcy, concerning matter of successiō, & had takē out of his head many scrupulosities about nyse points of neernes in blood, by the many examples & reasons that he had alleaged of the proceeding of Christian cōmon wealthes in this affayre, preferring oftentymes him that was further of in blood, vppon other cōsideratiōs of more waight & importance, which point seemed to him to haue bin so evidently proued, as no man can deny it & much lesse cōdēne the same, without the incōueniēces before alleaged & mētioned, of calling

v Why the
vvil not
deter-
myne of
any one
title.

of calling al in doubt that now is establisht in the world, considering that not only foraine countries, but Inglād also it selfe so often hath vsed the same putting back the next in bloode.

VVherfore he said, that for as much as common wealthes, and the consent, wil, and desire of each realme was proued to haue high and soueraigne authority in this affayre, and that as on the one side, nerenes of blood was to be respected, so on the other, ther wāied not sundry considerations & circumstances of as great moment as this, or rather greater, for that oftentimes these considerations had bin preferred before neernes of blood, as hath byn declared, I do not know quoth he, who of the pretenders may next obteyne the garland, what soeuer his right by propinquity be, so he haue some (as I thinke al haue that do pretend) and therefore I meane not to stand vppon the iustification or impugning of any one title, but rather to leaue al to God and to them, that must one day try & iudge the same in Inglād, to whome I suppose this speech of myne, can not be but grateful & commodious, for the better understanding & discerning of those matters, wherof of necessity er it be longe they must be iudges & vmpires, when God shal appoint, and consequently

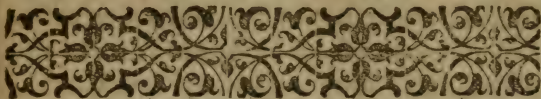
THE PREFACE OF THE II. PART.

for them to be ignorant or vnaquainted with the same (as men say that commonly most in England at this day are) cannot be but very inconuenient and dangerous.

In this manner he spake, and after this he began his discourse, setting downe first of all the sundry bookes and treatises which he vnderstood had bin made or written hitherto of this affaire.



OF THE



OF THE DIVERS BOOKES AND TREATISES THAT HAVE BIN VVRITTEN

*heretofore about the titles of such as pretend to
the crowne of England, and what they do
conteyne in fauour or disfauour of
sundry pretendors.*

CAP. I.



ACCORDING to the variety
of mens iudgments and affe-
ctions in this behalfe, so said
the lawyer, that diuers had
written diuersly in sundry
bookes & treatises that had

come to light, & went among men frō hand to
hand though al were not printed. And first of al
he said, that not long after her maiesties com-
ming to the crowne, ther appeered a certayne
booke vvritten in the fauour of the house of
Suffolke, and especially of the children of the
Earle of Hartford by the Lady Catherin Gray, The book
of Hales
and Sir
Nicholas
Bacon.
vvhich booke offended highly the Queene and
nobles of England and vvas aftervwards found
to be written by one Hales surnamed of the
clubb foote, vvhich was clarke of the hamper, &
Sir Nicholas Bacon then Lord keeper was pre-
sumed

sumed also to haue had a principal part in the same, for vvhich he vvas like to haue lost his office, if Sir Antony Browne that had bin cheef iudge of the comon pleas in Queene Maries tyme vvould haue accepted therof, vvhen her Maiestie offered the same vnto him, and my Lord of Lecester earnestly exhorted him to take it, but he refused it for that he was of differēt religion from the state, and so Sir Nicholas Bacō remayned vvith the same at the great instance of Sir William Cecill now Lord Treasurer, who though he vvere thought to be priuy also to the said booke, yet vvas the matter so vvisely laid vppon Hales and Bacon, as Sir William was kept free, therby to haue the more authority and grace to procure the others pardon, as he did.

The butt
of Hales
book.

The bent and butt of this book, vvas (as I haue said) to preffer the title of the Lady Catherin Gray daughter of the Lady frauncis Duches of Suffolk which Frauncis was daughter to Mary the yonger daughter of King Henry the seuenth, before the title of the Queene of Scotts then liuing & of her sonne, which were discended of Lady Margeret eldest daughter of the said king Héry. And the reasons which this book did alleage for the same were principally two, the first, that the lawes of Ingland did not admitt any stainger or allien to inherit in Ingland, to vvit, any such as were borne out of the alleageance of our realme (for so are the wordes of the law) and for that the Queene of Scotts

First rea-
son.

of Scotts and her sonne are knowne to be so borne, therefore they could not succeed, and consequently that the house of Suffolck descended of the second daughter, must enter in ther place.

The second reason is, for that ther is giuen ^{1. Reason} authority to king Héry the eight by two seueral acts of parlament in the 28. and 36. yeare of his reigne to dispose of the succession by his last will & testament, as he should think best, among those of his kinred that did pretend after his children, and that the said king according to his commission, did ordeyne that if his owne children did dye vwithout issue, then the of-spring of his yonger sister Mary that vvere borne in England should be preferred before the issue of the elder that vvas Margaret married into Scotland, and this was the effect of this first booke.

Against this booke were vvryten two other ^{The} soone after, the first by one Morgan a diuine (if ^{booke of} I remember vvel) some tymes fellow of Oriel ^{M. Morgan and} College in Oxford, a man of good accompt for ^{iudge} learninge amonge those that knew hym, & he ^{Browne.} vvas thought be haue written the saide booke, by the aduise and assistance of the forsaide Iudge Browne, which thinge is made the more credible, by the many authorites of our cōmon law vvwhich therin are alleaged, and the partes of this booke (if I forget not) vvere three, or rather they were three bookes of one treatise, the first wherof dyd take vppon it to cleare the saide

saide Queene of Scottes for the murder of the lord Darly her husband, which by many vvas layde against her. And the seconde dyd handle her tytle to the crowne of England: and the third dyd answer the booke of Ihon Knox the Scott, intituled, *against the monstrous gouernment of women*. Of al vvchich three pointes, for that the second that conserneth the tytle, is that vvchich properly appertayneth to our purpose, and for that the same is handled agayne and more largely in the second booke set out not longe after by Ihon lesley lord bis hope of Rosse in Scotland, vvho at that tyme was Embassador for the saide Queene of Scottes in England, and handled the same matter more abundantly vvchich M. Morgan had donne before hym, I shal saye no more of this booke of M. Morgan, but shal passe ouer to that of the bis hope, vvchich in this point of succession conteyneth also vvhat soeuer the other hath, so as by declaring the contentes of the one vve shal come also to see vvhat is in the other.

Answer
to the 1.
reason.

The intent then of this book of the bis hope of Rosse, is to refute the other booke of Hales and Bacon, and that especially in the two points before mentioned, which they alleaged for their principles, to witt, about forrayne birth, and king Henries testament. And against the first of these two pointes the bishop alleageth many proofes that ther is no such maxima in the cōmon lawes of England to disherit a prince borne out of the land from his or her right of succession,

succession, that they haue by blood. And this first, for that the statute made for barring of aliens to inherit in England (vvhich was in the 25. yeare of the reigne of king Edward the third) is only to be vnderstood of particuler mens inheritance, and no wayes to be extended to the succession of the crowne, as by comparison of many other like cases is declared: and secondly for that ther is expresse exception in the same statute of the kings children and of spring: and thirdly for that the practise hath alwayes bin contrary both before and after the conquest, to vvit that diuers princes borne out of the realme haue succeeded.

The other principle also concerning king Henryes testament, the bishop impugneth, first To the
2. reason. by diuers reasons & incongruities vvherby it may be presumed that king Henry neuer made any such testament, and if he did, yet could it not hold in law. And secondly also by vvitness of the Lord Paget that was of the priuy council in those dayes, & of Sir Edward Montague lord chiefe iustice, and of one VVilliam Clark that set the kings stamp to the writing, al which auowed before the council and parliament in Queene Maryes tyme, that the said testament vvas signed after the king vvas past sense and memory.

And finally the said bishop concludeth that the line of Scotland is the next euery way, both in respect of the house of Lancaster, and also of York, for that they are next heyres to K. Henry
the

the eight, who by his father was heyre to the house of Lancaster, and by his mother to the house of York.

Heghingtons
bookc.

But after these three bookes, was vvritten a fourth, by one Robart Highinton secretary in tyme past to the Earle of Northumberland, a man wel read in storyes and especially of our countrey, who is said to be dead some yeares past in Paris. This man impugneth al three former bookes in diuers principal points and draweth the crowne from both their pretendors, I meane as wel from the house of Scotland as from that of Suffolk, and first against the booke of Hales and Sir Nicholas Bacon, written (as hath bin said) in fauour of the house of Suffolk. Heghington holdeth with the Bishop and Morgan that thes two principles layd by the other, of forayne birth, and of king Henriestestament against the Scottish line, are of no Validity, as nether ther reasons for legittimating of the Earle of Hartfords children, vvwhich afterward shalbe handled.

And secondly he is against bothe Morgan & the Bishop of Rosse also in diuers important points, and in the very principal of al, for that this man (I meane Highington) maketh the king of Spayne to be the next and most rightful pretender by the house of Lancaster, for prooffe vvherof he holdeth first that king Henry the 7. had no title in deede to the crowne by Lancaster, but only by the house of York, that is to saye, by his marriage of Queene Elizabeth elder daughter

daughter to king Edward the fourth, for that albeit himselfe were discended by his mother from Iohn of Gaunt duke of Lancaster, yet this vvas but by his third vvife Catherin Swynford, and that the true heyres of Blanch his first vvife duchesse and heyre of Lācaster (to whom sayth he apperteyned only the successiō after the death of king Henry the sixth, and his sonne, with whom ended the line male of that house) remayned only in Portugal by the marriage of Lady Phillip, daughter of the foresaid Blanch, to kinge Ihon the first of Portugal, & that for as much as king Phillip of Spaine saith this man, hath now succeeded to al the righte of the kings of Portugal, to him appertayneth also, the only right succession of the house of Lancaster, and that al the other discendents of king Henry the 7. are to pretend only by the title of Yorke, I meane aswel the line of Scotland as also of Suffolk and Huntington, for that in the house of Lancaster king Phillip is euidently before them al.

Thus holdeth Heggington, alleaginge diuers stories arguments and probabilities for the same, & then adioyneth two other propositions, which do importe most of al, to vvitt, that the title of the house of Lancaster was far better, then that of York, not for that Edmond Crokback first founder of the house of Lancaster, vvho was sonne to king Henry the third and brother to king Edward the first, was eldest to the said Edward and iniuriously put

George
Lilly in
his Epit.
chronic.
Anglic.

back for his deformity in body, as both the said
bisshop of Rosse and George Lyly, do falsly
hold, and this man refuteth by many good ar-
guments, but for that Iohn of Gaunt Duke of
Lancaster being the eldest sonne that King
Edward the third had a liue when he dyed,
I should in right haue succeeded in the crowne
as this man holdeth, and I should haue bin pre-
ferred before Richard the second that was the
black princes sonne, vvhich was a degree fur-
ther of from king Edward the third his grand-
father, then was Iohn of Gaunt, to whom king
Edward was father, and by this occasion this
man cometh to discusse at large the opinions
of the lawyers, vvhether the vncler or the ne-
phew I should be preferred in the succession of
a crowne, to wit, vvhether the yonger brother
or the elder brothers sonne, if his father be
dead without being seised of the same (which
is a point that in the ciuil law hath great dis-
putation and many great authors on each side
as this man sheweth) and the matter also wan-
teth not examples on both partes in the suc-
cession of diuers English kings, as our frend the
ciuil lawyer did signifie also in his discourse, &
we may chance to haue occasion to handle
the same agayne, and more largely heerafter.

These poyntes toucheth Highintō thoughte
diuers other he leaue vntouched, vvhich are of
much importāce for the resolution, as whether
after the lyne extinguished of kinge Henry the
4. vvhich was the eldest sonne of Iohn of
Gant

Gant, ther should haue entered the line of lady Philippethe eldest daughter lawfully begotten of Blanch first wyfe of Ihon of Gant, or els the race of Ihon Earle of Somersett yonger sonne by his thirde vvyfe, which then was base borne, but legetimated by parlement, for of Phillip do come the kinges of Portugal, and of Ihon came king Henry the seuenth. And againe these pointes had byn to be disputed as vveltouching the succession to the dukedom of Lancaster alone, as also to the crowne ioyntely, all which articles shal severally afterward be handled in ther places, and thus much of this booke.

Sundry
importat
pointes.

More then these fower bookes, I haue not seene vvritten of his affaire, though I haue hard of one made in Flanders in the behalfe of the Duke of Parma, that is now, vvho by his mother descendeth of the same line of Portugal, that the king of Spaine doth, and as this book pretendeth (if we respect the ordinary course of Inglish lawes in particuler mens inheritances) he is to be preferred before the said king, or any other of the howse of Portugal for that his mother descended of the yonger sonne, and the king of the elder daughter, of the king of Portugal: and albeit according to the law of Portugal the king vvas adiuged next heyre to that crowne, yet say they by our lawes of Ingland he cannot be, vvhich after must be examined.

Diuers
other no-
res and
pam-
ples.

Thus sayth that book, and he alleageth

many reasons for the same, as it hath bin told me (for as I said I neuer came to haue a viewe of the vvhole booke) but diuers of his arguments I haue seene laid together, which I shal afterwards in place conuenient alleage vnto you, vvith the answers censures and replies that the contrary parties do make therunto.

Diuers other papers notes and memories I haue seene also (said he) as wel touching the succession of those vvhom I haue named as of others, for that *Syr Richard Shelly* who dyed some yeares agoe in Venice, by the name of Lord, prior of S. Iohns of England, had gathered diuers points touching these affayres: & many more then he had M. Francis Peto that dyed in Millan, and vvas a very curious and wel readen man in genealogies, as may appeare by sundry papers that I haue seene of his. Their vvant not also diuers in Inglád who haue trauailed much in this busines, and I haue had the perusing of some of their labors, though I dare not discover ther names lest therby I should hurt them, vvwhich vvwere not conuenient. But one great trouble finde I in them al, that euery man seeketh to draw the whole water vnto his owne mill, and to make that title alwayes most clere, whom he most fauoreth, and this vvith so great probability of reason and authority many tymes, as it is hard to reayne a mās consent from that which is said, vntil he haue read the reasons of the other party, and this also is a great prooffe, of the wonderful ambiguity

Sir Richard Shelly.

Franc. Peto.

biguiny and doubtfulnes which in this most important affaire is to be founde.

And by the way also I had almost forgotten to tel you, how that of late I haue lighted vppō a certayne new discourse and treatise, made in the behalfe of the king of Spaines eldest daughter, whom he had by his wife, Isabel the eldest siter of the last king of France, vvhich Isabel and her daughter the infanta of Spaine called also Isabel, are presumed to be the lawful heyres to the state of Britany, and to al other states that by that meanes of Britany or otherwise by vvomen haue come to France, or haue or may fal vppon a vvoman of the house of France, as the states of Ingland and other states therunto annexed may, for that they follow not the law salique of France, and so this treatise proueth that by diuers vvayes and for sundry considerations, this princeesse of Spaine is also of the blood royal of Ingland, and may among others be intituled to that crowne, by a particular title of her owne, beside the pretence vvhich her father the king or her brother the prince of Spayne haue for them selues, by the house of Portugal, al vvhich reasons and considerations I shal alleage afterward in ther place & tyme, or at least-wise the chiefe & principal of them.

A treatise
in the be-
halfe of
the Infanta
of Spaine.

And to the end they may be vnderstoode the better, as also the clearnes and pretentions of al the rest that haue interest in this affayre, I shal first of al for a beginning and foundation

to al the rest that ſhal or may be ſpoken heer-
after, ſet downe by way of hiſtorical narration,
al the diſcents of our Engliſh kings and pre-
tenders that maye important to this our pur-
poſe, from the conqueſt vnto our tyme, vvhich
being cōpared vvith the tree it ſelfe of genealo-
gies that ſhalbe added in the end of this confe-
rence, vvill make the matter more playne and
pleaſant to the reader,

OF THE SVCCESſION
OF THE CROWNE OF ING-
LAND FROM THE CONQVEST VNTO
*the tyme of king Edward the third, With the begin-
ning of three principal linages of the Engliſh
blood royal, diſperſed into the houſes of
Britaine Lancaſter and
Torke.*

C A P. II.

Diſcent
of V Vil-
liam the
Conque-
ror.

NO man is ignorant ſaid the lavvyer how
William the Conqueror came to the
crowne of England, vvhich vvvas in deed by
dynt of ſword, though he pretended that he
vvvas choſen by the vvill and teſtament of king
Edward the confeſſor. But howſoeuer this
weare, his poſterity hath indured vntil this day
and two and twenty princes of his race haue
vvorne the Engliſh crowne after him; for the
ſpace of more then 5. hundreth yeares, and how
many more may yet do the ſame, God only
knoweth: but if vve follow probability, vve
cannot

cannot want of them, seeing his blood is so dispersed ouer the world at this day, as by this declaration enfewing vvil appeare.

This king William according to Polidor The children of the conqueror. and other chronicles of England, had by his vvyf Marhilda daughter of Baldwin Earle of Flanders, foure sonnes, and five daughters, his eldest sonne vvas Robert vvhom he left duke of Normandie, vvhom he afterward deprived of that dukedome by his yonger and fowerth brother Henry, vvhon he came to be king of England. His second sonne was Richard that dyed in his youth, his third was William, surnamed Rufus, for that he vvas of redd heare, and the fowerth vvas Henry, vvhich two last sonnes, vvere both kings of England one after the other, as the world knoweth, by the names of William the second, and Henry the first. Polid. l. 9. in fine. Stovv in vita Gu- liel.

The Conquerors daughters vvere first Cecilie that vvas a Nonne, and the second Constantia that vvas married to Alayn, surnamed fergant duke of Britanie, and the third vvas Adela or Alis married to Stephen countie Palatine of Bloys, Champagne, and Chartres in France, and the other two Polidor saith, dyed before they were married, and so their names vvere not recorded.

These are the children of king William the Conqueror, among whom after his death ther vvas much strife about the succession. For first his eldest sonne duke Robert, vvhom by order of ancestrie by birthe should haue succeeded The miseries of Duke Robert and his sonne.

Stow in
vit Gul.
Cōquest.

him in al his estates, was put back, first from the kingdome of England, by his third brother William Rufus, vppon a pretence of the Conquerors vvil and testament, for perticuler affection that he had to this his said third sonne William, though as Stow writeth, almost al the nobility of Inglande vvere against Willias entrance. But in the end agreement vvvas made between the two brothers, withe condition that if William should dye vvithout issue, then that Robert should succed him, and to this accord, both the princes themselves, and twelue principal peeres of ech side vvere sworne, but yet after when VWilliam dyed vvithout issue, this vvvas not obserued, but Henry the fourth sonne entred, and depriued Robert, not only of this his succession to England, but also of his dukedome of Normandie, that he had enioyed peaceably before, al the tyme of his brother Rufus, and moreouer he toke him prisoner & so caryed him into England, and ther kept him vntil his death, which happened in the castle of Cardif in the yeare 1134.

VWilliam
sonne of
Duke Robert.

And vvhereas this Duke Robert had a goodly prince to this sonne named VWilliam, who vvvas duke of Normandy by his father, & earle of Flanders in the right of his grand mother, that was the Cōquerors wife, & daughter of Baldwin Earle of Flanders as hath bin said, and vvvas establisshed in both these states by the help of Lewys the 6. surnamed le gros king of France, and admitted to do homage to hym for the

the saide states, his vnkle king Henry of Englād was so violent against him, as first he draue him out of the state of Normandy, and secondly he set vp and maynteyned a competitor or two against him in Flanders, by whome finally he was slaine in the yeare of Christ 1128. before the towne of Alost, by an arrow, after he had gotten the vpper hand in the feild, and so ended the race of the first sonne of king William the Conqueror, to wit of duke Robert, vvhich Robert liued after the death of his saide sonne and heyre duke VVilliam, six yeares in prison in the castel of Cardife and pyned avvay vvith sorrow and miserie, as both the Frenche and Inglishe histories do agree.

Belfor. l. 3
cap. 42.
An. 1128.

The second sonne of the Conqueror named Richard, dyed as before hath bin sayde, in his fathers tyme, and left no issue at al, as did neither the third sōne, Willia Rufus, though he reigned 13. yeares after his father the Conqueror, in which tyme he establisshed the successiō of the crowne by consent of the states of Ingland to his elder brother duke Roberts issue, as hath bin saide, though afterward it was not obserued.

King
VVilliam
Rufus.

This Kinge Rufus came to the crowne principally by the help and fauour of *Lanfrancus* Archbishop of Canterbury, who greatly repented himselfe afterward of the error vvich in that point he had committed, vppō hope of his good gouernment vvich proued extreeme euell.

But this king William Rufus being slayne afterward by the error of a cros bow, in new-

forest as is vvel knowne, and this at such tyme as the foresaid duke Robert his elder brother (to vvhom the crowne by succession apparteyned) was absent in the vvarr of the holy land, vvher (according as most authors do vvrit) he vvvas chosen king of Hierusalem, but refused it vvpon hope of the kingdome of England. But he returning home, founde that his fowerth brother Henry, partly by fayre promises, and partly by force had inuaded the crowne, in the yeare 1100. and so he reigned 35. yeares, and had issue diuers sonnes and daughters, but al vvvere either drowned in the seas comming out of Normandie, or els dyed otherwise before their father, except only Mathildis vvho vvvas first marryed to Henry the Emperor, fift of that name, and after his death without issue, to Geffrey Plátagenet duke of Anjow, Tourayne, and Mayne in France, by vvhom she had Henry vvvhich reigned after king Stephen, by the name of Henry the second, and thus much of the sonnes of William the Conqueror.

Of his two daughters that lyued to be marryed and had issue, the elder named Constance vvvas marryed to Alayn fergāt duke of Britanie, vvho vvvas sonne to Hael earle of Nantes, and vvvas made duke of Britanie by VVilliam Cōquerors meanes, in manner following.

Duke Robert of Normandy father to the Conqueror, vvhen he went in pilgrimage vnto the holy land (in vvvhich voyage he dyed) left for gouernour of Normandy, vnder the protection

Tarcanotta. 1.
del hist.
del mon.
do.
K. Henry.

Polydor.
in vita
Henrici 1.

The
house of
Britany
by the
elder
daughter
of the
Conque-
ror
Belfor. l. 3
pag. 423.

rection of king Henry the first of france, duke
 Alayne the first of Britanie, vvhich Allayn
 had issue Conan the first, vvho being a stirringe
 prince of about 24. yeares old when duke
 VVilliam began to treat of passing ouer into
 Ingland, he shewed himselfe not to fauour
 much that enterprise, which duke VVilliam
 fearing, caused him to be poysoned vvith a
 payre of perfumed gloues, as the French stories
 do report, and caused to be set vp in his place
 and made duke, one Hoel earle of Nantes,
 who to gratifie VVilliam sent his sonne Alaine
 surnamed Fergant wirth 5000. souldiars to passe
 ouer into Ingland vvith him, and so he did; &
 VVilliam afterward in recompence heer-of gaue
 him his eldest daughter Constantia in marriage
 vvith the earldome of Richmond, by vvhom
 he had issue Conan the second, surnamed le
 gros who had issue a sonne and a daughter.

Conan
 Duke of
 Britanie
 poysoned
 by VVil-
 liam Con-
 quor.

The sonne vvvas called Hoel, as his grand father
 was, and the daughters name was Bertha mar-
 ried to Eudo Earle of Poher in Normandy, &
 for that this duke Conan, liked better his
 daughter and his sonne in law her husband
 then he did Hoel his owne sonne, he disauo-
 wed him in his death bedde, and made his said
 daughter his heyre; who had by the said
 Eudo, a sonne named Conan surnamed the
 yonger, which vvvas the third duke of that
 name, and this man had one only daughter and
 heyre named Lady Constance who whas mar-
 ried to the third sonne of king Henry the
 second

BeMor. l. 3
 cap. 12.
 An 1065.
 ex chro-
 nic. dio-
 nis.

second named Geffrey & elder brother to king Ihon that after came to rayne & by this Lord Geffrey she had issue Arthur the second duke of Britanie, whom king Iohn his vncler put back from the crowne of England, and caused to be put to death, as after shalbe shewed, and he dying without issue, his mother Constance duchesse & heyre of Britanie, married agayne vvith a prince of her owne house, vvhom after vve shall name in the prosecution of this lyne, and by him she had issue that hath indured vntil this day, the last vvherof hitherto is the lady Isabella infanta of Spaine, & that other of Sauoy her sister, whom by this meanes we see to haue descended from king VVilliam the Cōqueror, by his eldest daughter lady Cōstance as also by diuers other participations of the blood royal of England, as after vvards vvill appeare.

The daughters of Spaine are of the blood royal of England.

The houses of Bloys.

Now then to come to the second daughter of king VVilliam the Conqueror, or rather the third (for that the first of al vvvas a Nonne as before hath byn noted) her name vvvas Adela or Alis as hath bin saide, and she vvvas married in France to Stephen counte Palatin of Champagne Charters and Bloys, by whom she had a sonne called also Stephen, vvho by his grand mother was earle also of Bollayne in Picardie, and after the death of his vncler king Henry of England, vvvas by the fauour of the English nobility, and especially by the helpe of his owne brother the Lord Henry of Bloys, that vvvas
Bishop

Bisshop of Winchester and jointly Abbot of
 Glastenbury, made kinge of England; and this
 both in respect that Mathilda daughter of king
 Henry the first was a woman, and her sonne ^{vwhy}
 Henry duke of Anjou, a very childe, & one de- ^{Stephen}
 gree farther off from the Conqueror and from ^{vvas ad-}
 kings Rufus then Stephen vvas, as also for that ^{mitted}
 this king Henry the first (as hath bin signified ^{king of}
 before) vvas iudged by many to haue entred
 vvrongfully vnto the crowne, and therby to
 haue made both himselfe and his posterity in-
 capable of succession by the violence vvhich
 he vsed against both his elder brother Robart,
 and his nephew duke VVilliam, that vvas
 sonne and heyre to Robert vvhoe by nature and
 law were bothe of them held for soueraintes
 to Iohn, by those that fauored them and their
 pretentions.

But yet howsoever this were, we see that the
 duke of Britany, that liued at that day, should ^{Girard. l. 6}
 euidently haue succeded before Stephen, for ^{Belfor. l. 3}
 that he was discended of the elder daughter, of
 the Conqueror, and Stephen of the yonger,
 though Stephen by the commodity he had of
 the neernes of his porte and haue of Bullayne
 vnto England, as the French stories do saye (for
 Calys vvas of no importance at that tyme) and
 by the frendship and familiarity he had gotten
 in England during the raigne of his two vncles
 king Rufus and king Henry, and especially by
 the help of his brother the Bisshop and Abbot
 as hath bin said, he gat the start of al the rest,
 and

and the states of England admitted him.

The issue
of king
Stephen.

This man although he had two sonnes namely Eustachius duke of Normandy, and William earle of Norfolk, yet left they no issue: And his daughter Marie was married to matthew of Fladers of whom if any issue remaines, it fell afterward vppon the house of Austria, that succeeded in those states.

K. Henry
the 2.

To king Stephen who left no issue succeeded by compositiō after much warre Henry duke of Aniou, sonne and heyre to Mathilda before named, daughter of Henry the first, which Henry named afterward the second, tooke to wife Elenor daughter and heyre of VVilliam duke of Aquitaine, & earle of Poytiers, which Elenor had bin married before to the king of France Lewis the 7. and bare him two daughters, but vppon dislike conceaued by the one against the other, they were deuorced, vnder pretēce of being within the fowerth degree of consanguinitye, and so by second marriage Elenor vvas vvife to this said Henry who afterward was king of England by name of K. Henry the secōd, that procured the deathe of Thomas Becket archebishops of Canterbury, and vvas both before and after the greatest enemye, that euer Lewis the king of France had in the vvorld, and much the greater for his marriage, by vvich Henry vvas made far stronger, for by this woman he came to be duke of al Aquitaine, that is of Gascony and Guyene, and earle of al the cōtrey of Poytiers, wheras before al so
by

Belfor. l. 3
cap. 10.
An. 1151.
Gerard. l. 1.
8. pag. 349

by his fathers inheritance, he vvas duke both of Anjou, Tourayne, and Mayne, & by his mother Mathilda king Henries daughter of Ingland he came to be king of Ingland, & duke of Normandie, and by his owne industry, he gat also to be lord of Ireland, as also to bring Scotland vnder his homage, so as he enlarged the kingdome of Ingland most of any other king, before or after him.

This king Henry the second as Stow reckoneth, had by Lady Elenor fyue sonnes and three daughters. His eldest sonne vvas named VVilliam that dyed yonge, his seconde vvas Henry K. Henry the 2. his issue Stow in vita Henrici. vvhom he caused to be crowned in his owne life tyme, vvherby he receaued much trouble, but in the end this sonne died before his father vvithout issue. His thiid sonne vvas Richard surnamed for his valour *Cor de leon*, who reigned King Richard. after his father, by the name of Richard the first, and died vvithout issue in the yeare of Christ 1199.

Hys fowverth sonne named Geffrey, married Duke Geffrey. lady Constance daughter and heyre of Britanie, as before hath bin said, and dying left a sonne by her named Arthur, which vvas duke of Britanie after him, and pretended also to be king of Ingland, but vvas put by it by his vnkle Iohn, that tooke him also prisoner, and kept him so in the castel first of fallaise in Normandie, and then in Roan, vntil he caused him to be put to death, or slew him vvith his owne hands as Fréch stories vwrite, in the yeare 1204.

This

Paradyn
apud Bel-
forest.

This duke Arthur left behind him two sisters as Stow writeth in his chronicles, but others write that it was but one, and at least wise, I fynde but one named by the french stories, which vvas Elenor, whom they saye king Iohn also caused to be murthered in Ingland a litle before her brother the duke vvas put to death in Normandie, and this was the end of the illue of Geffrey, whose vvife Constance duchesse of Britanie married againe after this murther of her children, vnto one Guy Vicond of Touars, and had by him two daughters, wherof the eldest named Alis was duchesse of Britanie, by vvhome the race hath bin continued vnto our tyme.

Belfor. l. 3
cap. 71.
An. 1203.

Belfor. l. 4
cap. 4.

K. Iohn
and his
issue.

The fift sonne of king Henry the second was named Iohn, who after the death of his brother Richard by help of his mother Elenor, and of Hubert Archbishop of Canterbury, drawen therunto by his said mother, gat to be king, and put back his nephew Arthur, vvhom king Richard before his departure to the war of the holy land had caused to be declared heyre apparent, but Iohn preuayled and made away both nephew and Neece, as before hath bin saide, for which fact he vvas detested of many in the world abroade, and in France by acte of parlament depriued of al the states he had in those partes. Soone after also the pope gaue sentence of depriuation against him, and his owne barons tooke armes to execute the sentence, and finally they deposed both him and his yong

Miseries
that fell
vppō king
Iohn.

his yong sonne Henry being then but a child of 8. yeares old, and this in the 18. yeare of his reigne, and in the yeare of Christ 1215. and Lewis the 8. of that name prince at that tyne but afterward king of France, was chosen king of England, & sworne in Londō and placed in the Tower, though soone after by the suddaine death of king Iohn that course vvas altered agayne, & Henry his sonne admitted for king.

Polid Hol
lings &
Stovv. in
vitz lo-
hannis.

And thus much of the sonnes of king Hēry the second, but of his daughters by the same lady Elenor heyre of Gascony, Belforest in his story of France hath these wordes following. King Henry had foure daughters by Elenor of Aquitaine, the eldest vvhērof vvas marryed to Alonso the 9. of that name king of Castile, of vyhich maryage issued Queene Blanch mother to S. Lewis king of France. The second of these two daughters vvas espoused to Alexis Emperor of Constantinople. The third vvas married to the duke of Saxony, and the fourth vvas giuen to the earle of Tholosa, thus being the french stories of these daughters.

The issue
of king
Henry
the 2. hys
daugh-
ters.
Belfor. l. 3
cap. 49.
An. 1152.

Of the marriage of the eldest daughter of these foure (whose name was Elenor also as her mothers vvas) vvith king Alonso the 9. of Castile ther proceeded many children, but only one sonne that liued, whose name vvas Henry, vvho vvas king of Castile after his father, by the name of Henry the first, and dyed quickly vvithout issue, and besides this Henry, tvo daughters also vvēre borne of the same marriage,

The issue
of Lady
Eleanor
Queene
of spaine.

riage, of which the eldest and heyre named Blanch, vvas married by intercession of her vncle king Iohn of England, vwith the foresaid Prince Lewis of France, with this expresse condition, as both Polidor in his Inglish story & Garibay the chronicler of Spayne do affirme, that she should haue for her dowry al the states that king Iohn had lost in France, vvhich were almost al that he had there, and this to the end, he might not seeme to haue lost them by force, but to haue giuen them with the marriage of his Neece, and so this marriage vvas made, and her husband Lewis was afterward chosen also king of England by the Barons, and sworne in London, as before hath bin saide, & hereby also the Infanta of Spaine before mentioned, that is discended lineally from both these princes, I meane as wel from Queene Blanch as from Lewys, is proued to haue her pretence fortified to the interest of England, as afterward I halbe declared more at large in dew place.

Polidor. l.
15. in vit
Iohan.
Stephen
Garib li.
22. cap 31

Queene
Berenguela.

The second daughter of king Alonso the 9. by Queen Elenor, vvas named Berenguela, and vvas married to the prince of Leon in Spayne, and had by him a sonne named Fernando, vvhich afterward vwhen king Henry her brother vvas dead, vvas admitted by the Castilians for their king, by the name of Fernando the fourth, as before the Ciuillian hath noted, and Blanch vwith her sonne S. Lewis though the vvere the elder, vvas put by the crowne against al right
of suc.

of succession, as Garibay the Spaniard Chron- Garibay
li. 12. c. 32
nicler noteth and confesseth.

Heerby then some do gather, that as the first Pretences
of the
Infanta of
spayne to
Englis h &
French
states.
interest which the crowne of England had to
the states of Gascony Guyne and Poyters, came
by a vvoman: so also did it come to France by
the right of this foresaid Blanch, wherof the
fauourers of the Infanta of Spaine do saye, that
she being now first and next in blood of
that houle, ought to inherite al these and such
like states, as are inheritable by vvomen, or
came by womé, as the former states of Gascony
and Guyne did to king Henry the second, by
Queen Elenor his wife, and Normandie by
Mathilda his mother, and both of them to
France by this former interest of Blanch, and
more they saye, that his lady Blanch mother to
King S. Lewis, vvwhose heyre at this daye the
infanta of spayne is, should by right haue in-
herited the kingdome of England also, after
the murther of Duke Arthur and his sister
Elenor, for that she was the next of kynne vnto
them, at that tyme, vvwhich could be capable to
succede them, for that king Iohn himselfe vvas
vncapable of their succession whom he had
murthered, and his sonne Henry vvas not then
borne, nor in diuers yeares after, and if he had
bin, yet could he receaue no interest therunto
by his father, vvwho had none himselfe: of al
vvhich points ther vvilbe more particuler oc-
casion to speak hereafter.

Now then I come to speak of king Henry

K. Henry
the 3. and
his issue.

the third vvho was sonne to this king Iohn, and from whom al the three houses before mentioned of Britanie Lancaster and Yorke, do seeme to issue, as a triple branch out of one tree, albeit the royal line of Britanie is more ancient, and vvvas deuided before euen from William Conquerors tyme, as hath bin shewed, yet do they knytt againe in this king Henry, for that of king Henry the third his eldest sonne, named prince Edward the first, descended Edward the second, and of him Edward the third, from whom properly riseth the house of Yorke. And of his secōd sonne Edmond surnamed crookebacks county Palatine of Lancaster, issued the dukes of Lancaster vntil in the third dissent, vvhen the Lady Blanch heyre of that house matched vvith Iohn of Gaunt, third sonne of king Edward the third, from which mariage rose aftervvard the formal diuision of these two houses of Lancaster and Yorke, & also two distinct branches of Lancaster.

The mee-
ting of
three hou-
ses.

Prince
Edward
Duke Ed-
mond.

Lad. Bea-
trix
daughter
of king
Henry 3.

Besides these two sonnes, king Henry the third had a daughter named lady Beatrix, whom he married to Iohn the second of that name duke of Britanie, vvho after vvvas slayne at Lions in France, by the fal of an old wall, in the coronation of pope Clement the 5. of that name, in the yeare of Christ 1298. and for that the frēdes of the Infanta of Spayne, do seeke to strengthen her title by this her descent also of the royal blood of England, from Henry the third as aftervvard shalbe declared, I wil breifly

in this

in this place continew the pedegree of the house of Britanie from that I left before, euen to our dayes.

I shewed before in this chapter, that Geoffrey the third sonne to king Henry the second, and duke of Britanie by his wife, being dead, & his two children Arthur and Elenor put to death by their vncle king Iohn in Ingland, as before hath bin said, it fel out that Constance duchesse and heyre of Britanie married agayne to Guy viscond of Touars, and had by him two daughters, wherof the eldest named Alis was duchesse of Britanie, and married to Peter Brien earle of Drusse, and by him had Iohn the first of that name, duke of Britanie, vvhich Iohn the first had issue Iohn the second, vvhom married lady Beatrix before mentioned, daughter to king Henry the third, and by her had the second Arthur duke of Britanie to vvhom succeeded his eldest sonne by his first wife, named Iohn the third, who dying without issue, left the very same trouble and garboyle in Britanie about the succession betweene the two noble houses of Bloys and Monford, the one maintained by France, and the other by Ingland, as soone after vppon the very like occasion happened in Ingland, betweene the houses of Lancaster & York as after shalbe shewed. And not long after that againe the like affliction also ensued in France, (though not for succession but vppon other occasions) betwene the great and royal houses of Burgundy and Orleans, The pedegree of the dukes of Britanie. The great contention betweene the houses of Monford and Bloys in Britanie. Burgundy and Orleans.

vvhether by al three common wealthes (I meane
England Britanie and France) vvhere like to haue
come to distruction and viter desolation.

The con-
trouer-
sie be-
twene
the house
of mon-
ford and
Bloys.

And for that it may serue much to our pur-
pose hereafter, to vnderstand vvell this controu-
sie of Britanie, I thinke it not amisse in few
vvordes to declare the same in this place, thus
then it happened.

The foresaid Arthur the secōd of that name,
duke of Britanie, and sonne of Lady Beatrix
that was daughter (as hath bin said) to king
Henry the third of England, had two vvives,
the first named Beatrix as his mother vvas, and
by this he had two sonnes, Iohn that succeeded
him in the state, by the name of duke Iohn
the third, and Guye that dying before his elder
brother left a daughter and heyre, named Ioan,
and surnamed the *lame*, for that she halted, who
vvas married to the earle of Bloys, that vvas
nephew to Phillip of Valois, king of France,
for that he vvas borne of his sister.

But besides these two children, the said duke
Arthur had by his second wife, named Ioland
countesse and heyre of the earldome of Mon-
ford, an other sonne called Iohn Breno, vvho in
the right of his mother vvas earle of Monford.
And afterward vvhen duke Iohn the third
came to die vvithout issue, the question vvas,
who should succede him in his dukedome, the
vncler or the neece, that is to saye, his third bro-
ther Iohn Breno by half bloode or els his Neece
Ioan the lame, that vvas daughter and heyre to
his

his second brother Guye of whole bloode, A Que-
stio about
successio
between
the vncle
and the
niece. that is, by father and mother, which lady Ioan was marryed to the earle of Bloys as hath byn said. And first this matter vvas handled in the parliament of Paris, the king himselfe sitting in iudgment vvith al his peeres, the 30. day of Septemb. 1341. and adiuged it to the earle of Bloys, both for that his wife vvas heyre to the elder brother, as also for that duke Iohn by his testament and consent of the states, had appointed her to be his heyre, but yet king Edward the third and states of England did iudge it otherwise, and preferred Iohn Monford, not knowing that the very like case vvas to fal out very soone after in England, I meane, they iudged the state to Iohn Breno earle of monford yonger brother to Guye, & they did assist him, and his sonne after him, vvith al their forces for the gayning and holding of that state.

And albeit at the beginning, it seemed that matters went against Monford, for that himselfe vvas taken prisoner in Nantes, and carryed captiue to Paris vvhere he dyed in prison, yer his sonne Iohn by the assistance of the Inglish armies gat the dukedome afterward, and slew the earle of Bloys, and vvas peaceably duke of Britanie by the name of Iohn the fourth, and his posterity hath indured vntil this day, as briefly heere I wil declare.

This duke Iohn the fourth of the house of Monford had issue Iohn the fift, & he, Francis the fift, vvho dying without issue, left the

dukedom to Peter his brother, and Peter having no children neither, he left it to his vncle Arthur the third, brother to his father Iohn the first, and this Arthur was earle of Richmond in England, as some of his ancestors had bin before him, by gyftes of the kings of England.

Francis
last Duke
of Bri-
tany.

This Arthur dying without issue left the dukedom vnto his nephew, to wit his brothers sonne Francis the second, who was the last male child of that race, and was he that had once determyned, to haue deliuered Henry earle of Richmond, vnto his enemye king Edward the fourth, and after him to king Richard the 3. but that Henries good fortune reserued him to come to be king of England.

Howe the
dukedom
of Brita-
nie was
vnited
to France.

This duke Francis had a daughter and heyre named Anna, married first to Charles the eighth king of France, and after his death without issue to his successor Lewis the 12. by whome she had a daughter named Claudia that was heyre to Britanie, though not to the crowne of France, by reason of the law Salique, that holdeth against women in the kingdom of France but not in Britanie, and to the end this dukedom should not be disvnited agayne from the said crowne of France, this daughter Claudia was married to Francis duke of Angouleme heyre apparent to the crowne of France, by whom she had issue Henry, that was afterward king of France, and was father to the last king of that country, and to Ysabel mother of the

Infanta

Infanta of Spayne, and of her sister the duchesse
 of Sauoye that now is, by which also some do
 affirme that the said princeesse or Infanta of
 Spayne, albeit she be barred from the successiō
 of France, by their pretended law Salique: yet
 is her title manifest to the dukdome of Brita-
 nie, that came by a woman as we haue shewed,
 and thus much of the house of Britanie and of
 the princeesse of Spaine, how she is of the blood
 royal of England, from the tyme of VVilliam
 Conqueror himselfe by his eldest daughter, as
 also by other kings after him: and now we
 shall returne to prosecute the issue of these two
 sonnes of king Henry the third, to wit of
 Edward and Edmond, which before we left.

I shewed yon before how king Henry the
 third had two sonnes, Edward the prince, that
 was king after his father, by the name of
 Edward the first, and Edmond surnamed crok-
 back by some writers, who vvas the first earle
 and county Palatine of Lancaster, and beginner
 of that house.

And albeit some writers of our tyme, haue
 affirmed or at least wise much inclined to fa-
 uour a certayne old report, that Edmōd should
 be the elder brother to Edward, and put back
 only for his deformity of his body, (wherof
 Polidor doth speak in the begining of the
 reigne of king Henry the fourth, and as vvel
 the Bishop of Rosse as also George Lyllly do
 seeme to beleue it) yet euident it semeth that
 is was but a fable, as before I haue noted and

The issue
 male of
 king Henry
 the 3.

The Bis-
 hop of
 Rosse in
 his booke
 of the Q.
 of Scotts
 title.

George
 Lilly in
 fine epi-
 tomes
 chron.
 Anglic.

now againe I shall briefly proue it by these reasons following, for that it importeth very muche for deciding the cōtrouersie between the howses of Lancaster and yorke.

That
Edvard
was the
elder.
Matheus
uest in
vit Hen-
rici 3. &
hollings.
Ibidem.
pag. 654.

The first reason then is, for that al ancient historiographers of England and among them Matheus Westmonasteriensis that liued at the same tyme do affirme the cōtrary, and do make Edward to be elder then Edmond by six yeares and two dayes, for that they appointe the birth of Prince Edward to haue bin vppon the 16. day of Iune in the yeare of Christ 1239, & the 24. of the reigne of his father king Henry, and the birth of Lord Edmond to haue followed vppon the 18. day of the same moneth 6. yeares after, to wit in the yeare of our lord 1245. and they do name the godfathers and godmothers of them both together, with the peculier solemnities and feastes, that were celebrated at ther seuerall natiuities, so as it seemeth ther can be no ertor in this matter.

2. The 2. reason is, for that we read that this Lord Edmond was a goodly vwise and discreet prince, notwithstanding that some authors call him crokback, and that he was highly in the fauour both of his father king Henry, as also of his brother king Edward, and employed by them in many great warres, and other affayres of state, both in France & other where, vvhich argueth that ther was no such great defect in him as should moue his father and the realme to depriue him of his succession.

Thirdly

Thirdly vve readē that king Henry procured 3.
by diuers waies and meanes the aduancement
of this L. Edmond, as giuing him the earldomes
of Lecester & Darby besides that of Lancaster, Holling
head in
vit Hen-
rici 3. pag.
740. &
777.
as also procuring by al meanes possible & with
exceding great charges to haue him made king
of Naples & Sicilie by pope Innocentius which
had bin no pollicy to haue done, if he had bin
put back from his inheritance in Ingland, for
that it had bin to haue armed him against his
brother the king.

Fourthly we see that at the death of his fa- 4.
ther king Henry the third, this Lord Edmond
vvas principally left in charge with the realme,
his elder brother prince Edward being scarcely
returned frō the warr of Asia, at what tyme, he
had good occasion to chalēg his owne right to
the crowne, if he had had any, seing he wanted
no power therūto, hauing three goodly sonnes
at that tyme aliue, borne of his wife Queene
Blanch dowager of Nauarre, vwho had bin
married before to Henry king of Nauarre, and
contie of Champaine, to whom she had borne
only one daughter, that vvas married to Phil-
lip le bel king of France.

But vve shal neuer readē that either he, or Edmonds
line ne-
uer pre-
tended to
the
crowne.
any of his children, made any such clayme, but
that they liued in very good agreement & high
grace vwith king Edward the first, as his chil-
dren did also vwith king Edward the second,
vntil he began to be mis-led in gouernment, and
then the two sonnes of this Lord Edmond
(I meane

I meane both Thomas and Henry, that successively vvere earles of Lancaster) made vvarr vppon the said Edward the second, and vvere the principal doers in his deposition, & in setting vp of his sonne Edward the third in his place, at vwhat tyme it is euident that they might haue put in also for themselues, if there title had bin such as this report maketh it.

5.
Note this
consequence.

A fift reason is, for that if this had bin so, that Edmond earle of Lancaster, had bin the elder brother, then had the controuersie betweene the two houses of York and Lancaster, bin most cleare and vwithout al doubt at al, for then had the house of Yorke had no pretence of right in the vvorld, and then vvere it euident, that the heyres general of Blanch duchesse of Lancaster vvife of Iohn of Gaunt, to wit, the discendentes of lady Phillip her daughter, that vvas marryed into Portugal, these I say, and none other, were apparent and true heyres to the crowne of England at this day, and al the other of the house of Yorke vsurpers, as wel king Henry the 7. as al his posterity & offspring, for that none of them haue descended of the said Blanch as is manifest.

6. And therfore lastly the matter standeth (no doubt) as Polidor holdeth in the later ende of the life of king Henry the third, vvhere hauing mētioned these two sonnes Edward & Edmōd, he addeth these wordes. *Ther wanted not certayne men long tyme after this, that affirmed this Edmond to be the elder sonne to king Henry the third, and to haue*

The elder
ship of
Edmond
a fiction.

Polyd. in
sine vita
Henr. 3.

haue bin deprined of his inheritance, for that he was deformed in body, but these thinges were feyned to the end that king Henry the fourth that came by his mothers side of this Edmond, might seeme to haue come to the kingdome by right, whereas in deed he gat it by force.

Thus saith Polidor in this place, but afterward in the begining of the life of the said K. Henry the 4. he sayeth, that some would haue had king Henry to haue pretended this title among other reasons, but that the more part accompting it but a meare fable, it was omitted.

Now then it being cleere that of these two sonnes of king Henry the third, prince Edward was the elder and lawful heyre, it remayneth only that we set downe, their seuerall discentes vnto the tymes of king Edward the third, and his children, in whose dayes the dissention & controuersie betweene these royal houses of Yorke and Lancaster, began to break fourth.

And for the issue of Edward that was king after his father, by the name of king Edward the first, it is euident that albeit by two seuerall viues he had a dosen children, male and femal, yet only his fourth sonne by his first vvife called also Edward (vvho was king after him by the name of king Edward the second) left issue that remayned, which Edward the second being afterward for his euell gouernment deposed, left issue Edward the third, vvho

The issue
of king
Edward
the first.

vvho vvvas made king by election of the people in his place, and after a long and prosperous reigne, left diuers sonnes, vvherof after vve shal speak, and among them his third sonne named Iohn of Gaunt, married lady Blanch daughter and heyre of the house of lancaſter, and of the fornamed Lord Edmond Crouch-back, by vvwhich Blanch, Iohn of Gant became duke of lancaſter: ſo as the lines of theſe tvvo bretheren Edward and Edmond did meete and ioyne againe in the fourth diſcent, as novv ſhall appeare by declaration of the iſſue of the foreſaid L. Edmond.

The iſſue
of Ed-
mond
Crock-
back.

Edmond then the ſecond ſonne of K. Henry the third, being made county palatine of Lancaſter, as alſo earle of Leceſter and of Darby, by his father king Henry, as hath bin ſaid: had iſſue three ſonnes, to vvith, Thomas Henry and Iohn, among vvhom he deuided his three ſtates, making Thomas his eldeſt ſonne, county palatine of Lancaſter, Henry earle of Leceſter, & Iohn earle of Darby. But Thomas the eldeſt & Iohn the yongeſt dying vvithout iſſue, al three ſtates fel againe vppon Henry the ſecond ſonne, vvwhich Henry had iſſue one ſonne and three daughters, his ſonne vvvas named Henry the ſecond of that name, earle of Lancaſter, and made duke of Lancaſter, by king Edward the third, and he had one only daughter & heyre named Blanch, vvho vvvas marryed vnto Iohn of Gant as before hath bin ſaid. But Duke Henries three ſiſters named Ioan Mary and Elenor,

Elenor, vvere al married to diuers principal men of the realme, for that Ioan vvas married to Iohn L. Maubery of vvhom are descended the Howards of the house of Norfolk at this day, and Mary vvas married to Henry lord Pearcy, from vvhom cometh the house of the Earles of Northumberland, and Elenor vvas married to Richard earle of Arundel, vvhence is issued also by his mothers side the Earle of Arundel that novv is, so as of this ancient lyne of Lancaster ther vvant not noble houses vvith in the realme at this day, issued thence before the cōtrouersie fell out betweene yorke & this family, of vvhich controuersie how it rose and how it vvas continued, I shall now begyn to make more particuler declaration, taking my begining from the children of king Edward the third, who vvere the causers of this fatal dissention.

Collateral
lynes of
Lancaster.

OF THE SVCCESION OF ENGLISH KINGES FROM

KING EDWARD THE THIRD VNTO OUR

dayes, With the particuler causes of dissention, be-

tweene the families of yorke and Lanca-
ster more largely declared.

CAP. III.

KING Edward the third surnamed by the English the victorious, though he had many children, wherof some dyed vvithout issue, vvhich appertaine not to vs to treat of, yet had

Five son-
nes of K.
Edward

yet had he five sonnes, that left issue behinde them, to wit Edward the eldest that was prince of Wales surnamed the black Prince: Leonel duke of Clarence vvhich vvas the 2. sonne, Iohn of Gant so called for that he vvas borne in that citye, that vvas the third sonne, and by his wife was duke of Lancaster, and fourthly Edmond surnamed of Langley, for that he was also borne ther, and vvas duke of Yorke, & last of al Thomas the fift sonne surnamed of Woodstocke, for the same reason of his birth, and vvas duke of Gloucester.

Al these five dukes, being great princes and sonnes of one king, left issue behinde them as shalbe declared, and for that the discendents of the third and fourth of these sonnes, to wit, of the dukes of Lancaster and Yorke, came afterward to strue who had best title to reigne, therof it came, that the controuerſie had his name of these two families, vvvhich for more distinctiō sake, & the better to be knowne, tooke vppon them for their ensignes a rose of two different colures, to wit, the white rose, and the redd, as al the vvorld knoweth, wherof the vvwhite serued for Yorke, and the redd for Lancaster.

The redd
rose and
the
vvwhite.

Issue of
the black
prince.

To begyn then to shew the issue of al these five princes, it is to be noted, that the two elder of them, to wit, prince Edward, and his second brother Leonel Duke of Clarence, dyed both of them before king Edward their father, and left each of them an heyre, for that Prince
Edward

Edward left a sonne named Richard, vvho succeeded in the crowne immediatly after his grād-father, by the name of king Richard the secōd, but aftervvard for his euel gouernment vvvas deposed, and dyed in prison vvithout issue, and so vvvas ended in him the succession of the first sonne of king Edward.

The second sonne Leonel, dying also before his father, left behind him one only daughter and heyre, named Phillip, who was married to one Edmond mortimer Earle of march, and he had by her a sonne and heyre named Roger mortimer, vvwhich Roger had issue two sonnes

The issue
of leonel
the 2.
sonne.

named Edmond and Roger, vvwhich dyed both vvithout children, and one daughter named Ann mortimer, vvwhich was married vnto Richard Plantaginet earle of Cambrige, second sonne vnto Edmond Langly duke of yorke,

vvwhich duke Edmond vvvas fourth sonne, as hath bin said, vnto king Edward the third, and for that this Richard Plantaginet married the said Anne as hath bin saide, hereby it came to passe, that the house of Yorke ioyned two titles

The issue
of Ed-
mond the
4 sonne.

in one, to wit, that of Leonel duke of Clarence, vvwhich was the secōd sonne of K. Edward the third, & that of Edmond langly duke of yorke vvwhich vvvas the fourth sonne: and albeit this Richard Plantaginet him selfe neuer came to be duke of Yorke, for that he was put to death vvvhiles his elder brother lyued, by king Henry the fift for a conspiracy discovered in South hampton against the said king, vvhen he vvvas

T

going

going ouer into france vvith his army : yet he left a sonne behind him named also Richard, vvho afterward came to be duke of Yorke, by the death of his vncke, vvhich vncke vvvas slaine soone after in the battel of Egécourt in France: & this Richard began first of al to prosecute openly his quarrel for the title of the crowne, against the house of Lancaster, as a litle afterward more in particuler shalbe declared, as also shalbe shewed how that this 2. Richard duke of Yorke being slaine also in the same quarrel, left a sonne named Edward, earle of march, who after much trooble gat to be king, by the name of king Edward the 4. by the oppression and putting downe of king Henry the 6. of the house of Lancaster, and was the first king of the house of Yorke, vvwhose genealogie vve shal lay downe more largely aftervvards in place conuenient.

The issue
of Tho-
mas the
5. sonne.

And nowe it followeth in order that vve should speak of Iohn of Gaüt the third sonne, but for that his discent is great, I shal first shew the discent of the fifth and last sonne of king Edward vvho vvvas Thomas of Woodstock duke of Glocester and earle of Buckingham, that vvvas put to death afterward or rather murdered wrongfully, by order of his nephew king Richard the second, and he left only one daughter and heyre named Anna vvho vvvas married to the L. Stafford vvwhose familie afterward in regard of this marriage came to be dukes of Buckinghã, & vvvere put downe by king Richard

Richard the third, and king Henry the eight, albeit some of the blood and name do remayne yet stil in England.

And thus hauing brought to an end the issue of three sonnes of king Edward, to wit of the first second & fift, & touched also, some what of the fourth, ther resteth to prosecute more fully the issues & discēts of the third & fourth sonnes, to vvit of Iohn of Gaunt duke of Lancaster, and of Edmond Langly duke of Yorke, which are the heades of these two noble families, which thing I shal do in this place vvith al breuity and perspecuity possible, begining first vvith the house of Lancaster.

Iohn of Gaunt third sonne of king Edward being duke of Lancaster by his wife, as hath bin said, had three wiues in al, and by euery one of them had issue, though the bishop of Rosse in his great Latin arbor of the genealogies of the kings of Ingland, printed in Parris in the yeare 1580. assigneth but one wife only to this Iohn of Gaunt, and consequently that al his children were borne of her, which is a great and manifest error and causerh great confusion in al the rest which in his booke of the Queene of Scots title he buylderh hereon, for that it being euident, that only the first wife vvas daughter and heyre of the house of Lancaster, and Iohn of Gant duke therof by her, it followeth that the children only that vvete borne of her, can pretend properly to the inheritance of that house, and not others borne of Iohn of

The issue
of the 3.
sonne
duke of
Lancan-

Gaunt by other wiues as al the vworld vvill confesse.

The issue
by Lady
Blanch.

First then (as I haue said) this Iohn of Gaunt married Blanch daughter and heyre of Henry duke of Lancaster, and had by her one sonne only and two daughters. The sonne was called Henry earle first of Darby, and after made duke of Hereford by king Richard the second, and after that came to be duke also of Lancaster by the death of his father, and lastely vvas made king by the deposition of his cosen germaine the said king Richard, and reigned 13. yeares by the name of king Henry the fourth, and vvas the first king of the house of Lācaster, of the right of vvhole title examination shalbe made aftetwards.

L. Phillip
married
into Por-
tugal and
her issue.

The first of the two daughters vvwhich Iohn of Gaunt had by Blanch, vvas named Phillip, vvho was married to Iohn the first of that name king of Portugal, by whom she had issue Edward king of Portugal, and he Alonsus the fift, & he Iohn the second & so one after another euen vnto our dayes.

Lady Eli-
zabeth
second
daugh-
ter.

The second daughter of Iohn of Gaunt by lady Blanch vvas named Elizabeth, vvho was married to Iohn Holland duke of Excester, & she had issue by him, an other Iohn, duke of Excester, and he had issue Henry duke of Excester, that dyed without issue male, leauing only one daughter named Anne, vvho vvas married to Sir Thomas Neuill knight, and
by him

by him had issue Raffe Neuill third earle of Westmerland, whose lineal heyre is at this day Lord Charles Neuill earle of Westmerland, that liueth banished in Flanders.

And this is al the issue that Iohn of Gaunt The issue of King Henry the 4. had by lady Blanch his first vvife, sauing only that I had forgotten to prosecute the issue of Henry his first sonne, surnamed of Bolenbrok, that vvas afterward called king Henry the fourth which king had 4. sonnes and two daughters, his daughters vvere Blanch and Phillip, the first married to William duke of Bauaria, and the second to Erick king of Denmarke, and both of them dyed without children.

The four sonnes vvere first Henry that reigned after him by the name of Henry the fift, and the second vvas Thomas duke of Clarence, the third vvas Iohn duke of Bedford, and the fourth vvas Humfrey duke of Glocester, al vvich three dukes dyed vvithout issue or vvere slaine in vvarrs of the realme, so as only king Henry the fift their elder brother had issue one sonne named Henry also, that vvas king, and reigned 40. yeares by the name of Henry the sixt who had issue prince Edward & both of them (I meane both father & sonne) were murdered by order or permissiō of Edward duke of Yorke, vvho afterward tooke the crowne vppon him, by the name of king Edward the fourth, as before hath bin said

so as in this king Henry the 6. and his sonne prince Edward, ended all the blood royal male of the house of Lancaster, by Blanch the first wife of Iohn of Gaunt, and the inheritance of the said lady Blanch returned by right of succession as the fauorers of the howse of Portugal affirme though others deny it, vnto the heyres of lady Phillip her eldest daughter, married into Portugal, vvhose nephew named Alfonso the fift kinge of Portugal liued at that day when king Henry the 6. and his heyre were made away, and this much of Iohn of Gaunts first marriage.

The issue
of Iohn
of Gaunt
by his
2. wife.

But after the death of the L. Blanch Iohn of Gaunt married the Lady Constance, daughter and heyre of Peter the first surnamed the cruel king of Castile, who being driven out of his kingdome by Henry his bastard brother, assisted therunto by the french, he fledd to Burdeaux vvith his wife & two daughters, where he founde prince Edward eldest sonne to king Edward the third, by vvhom he was restored, and for pledge of his fidelity and performance of other conditions that the said king Peter had promised to the Prince, he left his two daughters vvith hym, which daughters being sent afterwards into Inglād, the eldest of them, named Constance, was married to Iohn of Gaunt, and by her title he named himselfe for diuers yeares afterward, king of Castile, and went to gayne the same by armes, when Peter her father vvvas slayne by his foresaid bastard brother

The con-
trouersie
in Spaine
betvvée-
the King
Peter the
cruel and
his ba-
stard bro-
ther.

brother, but yet some yeares after that againe,
 their vvas an agrement made betweene the
 said Iohn of Gaunt, and Iohn the first of that
 name, king of Castile, sonne and heyre of the
 foresaid Henry the bastard, vvith condition,
 that Catherine the only daughter of Iohn of
 Gaunt by lady Cōstance, should marry vvith
 Henry the third prince of Castile, sonne, and
 heyre of the said king Iohn, and nephew to
 the bastard Henry the 2. and by this meanes
 vvas ended that controuersie betweene Ingland
 and Castile, and the said L. Catherine had issue
 by king Henry, Iohn the 2. king of Castile, &
 he Isabell that married vvith Ferdinando
 the Catholique king of Aragon, and ioyned
 by that marriage both those kingdomes toge-
 ther, and by him she had a daughter named
 Ioan, that married Phillip duke of Austria and
 Burgundy, and by him had Charles the fifth
 that vvas Emperour, and father to king Phillip
 that now reigneth in Spaine, vvho (as we see) is
 descended two waies from Iohn of Gaunt duke
 of Lancaster, to vvith by two daughters begotten
 of two wiues, Blanch and Constance, nether
 had Iohn of Gaunt any more childrē by Con-
 stance but only this daughter Catherine, of
 vvhom vve haue spoken, vvherfore now vve
 shal speake of his third vvife that vvas Lady
 Catherine Swinford.

Garibay
l. 15 c. 26.

Of Lady
Catherin
Swinford
hollings
head in
vita Ri-
chardi 2.
pag. 1688.

This lady Catherin as English histories do
 note, vvas borne in Henalt in Flanders, & was
 daughter to a knight of that country called

Sir Payne de Ruet, and she vvas brought vp in her youth in the duke of Lancasters house, and attended vppon his first wife lady Blanch, and being fayre of personage, grew in such fauour vvith the duke, as in the tyme of his second wife Constance, he kept this Catherin for his concubine, and begat vppon her fower children, to vvith, three sonnes and a daughter, vvwhich daughter (vvhose name vvas Iane) was marryed to Raph earle of Westmerland called commonly in those dayes *Dad Raby*, of whom descended the Earles of VWestmerland that insued. His three sonnes were Iohn, Thomas, and Henry, and Iohn vvas first earle and then duke of Sommer set, Thomas vvas first marques Dorset, and then duke of Excester, Henry vvas Bishop of VVinchester and after Cardinal.

And after Iohn of Gaunt had begotten al thes 4. children vppon Catherin, he marryed her to a knight in Ingland named Swinford, vvwhich knight lyued not many yeares after, & Iohn of Gaunt comming home to Ingland, from Aquitaine, vvher he had bin for diuers yeares, and seing this old concubine of his Catherine, to be now a widow, and himseife also without a wife (for that the lady Cōstance vvas dead a litle before) for the loue that he bore to the children which he had begotten of her he determyned to marry her, and thereby the rather to legitimate her childrē, though himseife vv ere old now and al his kyndred
utterly

utterly against the marriage, and so not full two yeares before his death, to wit, in the yeare of Christ 1396. he married her, and the next yeare after in a parliament begun at Westminster, the 22. of January anno Domini 1397. he caused al his said issue to be legitimated which he had begotten vppon this lady Swinford before she vvas his wife.

The duke of Lancasters bastards made legitimate Hollingbush in vita Rich. 2. pag. 1090.

But now to go foreward to declare the issue of thes three sonnes of Iohn of Gaunt by Catherine Swinford, two of them, that is, Thomas duke of Excester, and Henry Cardinal and Bishop of Winchester, dyed vvithout issue, Iohn the eldest sonne that vvas earle of Somerset had issue two sonnes, Iohn and Edmond, Iohn that vvas duke of Somerset had issue one only daughter, named Margeret vvho vvas married to Edmond Tiddier earle of Richmond, by whom he had a sonne named Henry, earle also of Richmond, vvho after vvas afterward made king, by the name of Henry the seuēth, & was father to K. Henry the eight, and grand father to the Q. maiestie that now is, & this is the issue of Iohn the first sonne to the duke of Somerset.

The issue of Catherine Swinford's children.

K. Henry 7.

Edmond the secōd sonne to Iohn earle of Somerset, was first earle of Mortaine, and then after the death of his brother Iohn (vvho dyed vvithout issue male as hath bin said) vvas created by king Henry the sixte duke of Somerset, and both he and almost al his

The dukes of Somerset.

Polidor.
hist. Ang.
lib 23.

Hollings
in vita
Edvvadi
4. pa. 1314
& 1340.

What
heyres of
Lancaster
now ro.
maine in

kyn vvere slayne in the quarrel of the said king Henry the 6. and for defence of the house of Lancaster, against York. For first this Edmōd himselfe was slayne in the battel of S. Albanes, against Richard duke and first pretender of Yorke, in the yeare 1456. leauing behind him three goodly sonnes, to wit, Henry Edmond & Iohn, vvhherof Henry succeded his father in the duchy of Sommer set, and vvas taken and beheaded in the same quarrel at Exham, in the yeare 1463. dying vvithout issue. Edmond likewise succeded his brother Henry in the duchy of Sommer set, and vvas taken in the battel of Tewkesbury in the same quarrel, and ther beheaded the 7. of May 1471. leauing no issue, Iohn also the third brother marques of Dorset vvas slayne in the same battel of Tewkesbury, and left no issue, and so in these tvvo noble men ceased vtterly al the issue male of the line of Lancaster, by the children of Iohn of Gaunt, begotten vppon lady Swinford his third vvife, so that al vvwhich remayned of this vvoman, vvas only Margeret Countesse of Richmond, mother to king Héry the 7. which king Henry the 7. and al that do descende from him in England, or out of Inglande, do hold the right of Lancaster, only by this third marriage of Catherine Swinford, as hath bin thewed, and no wayes of Blanch the first vvife, or of Constance the second, and this is enough in this place of the discents of Iohn of Gaunt, and of the house of Lancaster, and therefore I shal

now

now passe ouer to shew the issue of the howse of York.

I Touched breefly before , how Edmond Langley duke of Yorke fourth sonne of king Edward the third , had two sonnes, Edward earle of Rutland, and duke of Aumarle, that succeeded his father afterward in the duchy of Yorke, and vvas slayne vvithout childre vnder king Henry the 5. in the battayle of Egencourt in France, and Richard earle of Cambridge vvwhich married lady Anne Mortimer, as before hath bin said , that was heyre of the house of Clarence, to wit of Leonel duke of Clarence, second sonne to king Edward the third, by vvwhich marriage he ioyned together the two titles, of the second & fourth sonnes of king Edward, and being himselfe conuined of a conspiracy against king Henry the 5. vvas put to death in Southampton in the yeare of Christ 1415. and third of the reygne of king Hery the 5. and fife day of August.

The issue
of the
house of
York.

Richard
Earle of
Cambridge
executed.

This Richard had issue by lady Anne Mortimer a sonne named Richard , vvho succeeded his vnclie Edward duke of Yorke in the same duchy, and afterward finding himselfe strong, made clayme to the crowne in the behalfe of his mother, and declaring himselfe chiefe of the faction of the white rose , gaue occasion of many cruel battailes against them of the red rose and house of Lancaster, and in one of the battels vvwhich vvas giuen in the yeare 1460. at Wakfilde, himselfe was slayne, leauing behind

Richard
duke of
York
slayne.

hind him three sonnes, Edward George and Richard, wherof Edward vvas afterward king of England by the name of Edward the fourth, George was duke of Clarence, and put to death in Calis in a butte of secke or malmesie by the commandement of the king his brother, & Richard was Duke of Glocester and afterward king by murtherring his owne two nephewes, and was called king Richard the third.

Edward
duke of
York and
King his
issue.

Edward the eldest of these three brothers, which afterward was king, had issue two sonnes Edward & Richard, both put to death in the tower of London by ther cruel vncle Richard, he had also five daughters, the last fowre wherof I do purposely omitt, for that of none of them ther remayneth any issue, but the eldest of al named Elizabeth was married to king Henry the 7. of the house of Lancaster, and had by him issue, king Henry the 8. and two daughters, the one married vnto Scotlād, vwherof are discended the king of Scots and Arbella, & the other married to Charles Brandon duke of Suffolk, vwherof are issued the children of the earles of Hartford and Darby, as after more at large shalbe handled, and this is the issue of the first brother of the house of Yorke.

The second brother George duke of Clarence had issue by his wife lady Isabel heyre to the earldomes of Warwick and Salisbury, one sonne named Edward earle of Warwick, vwho vvas put to death afterward in his youth, by
King

King Henry the 7. and left no issue, this duke George had also one daughter named Margaret admitted by King Henry the eight (at what tyme he sent her into wales with the princeesse Mary) to be countesse of Salisbury, but yet married very meanelly to a knight of wales, named Syr Richard Poole, by whom she had foure The lyne of the Pooles. sonnes, Henry, Arthur Geffrey, and Renald, the last vvherof vvas Cardinal, and the other two Arthur and Geffrey had issue, for Arthur had two daughters Mary and Margaret, Mary was married to Sir Iohn Stanny, & Margaret to Sir Thomas fitzharbert, Sir Geffrey Poole, had also issue an other Geffrey Poole, and he had issue Arthur and Geffrey which yet liue.

Now then to returne to the first sonne of the countesse of Salisbury named Henry, that vvas Lord Montague, and put to death both he and his mother, by king Henry the 8. this man I say, left two daughters, Catherine and vvenerfred, Catherine was married to Sir Francis Hastings earle of Huntington, by vvch The lyne of the Hastings. marriage issued Sir Henry Hastings now earle of Huntington, and Sir Georg Hastings his brother, who hath diuers children. And Wene- The Baringtons. fred the yonger daughter vvas married to Sir Thomas Barington knight, vvho also wanteth not issue, and this is of the second brother of the house of Yorke, to vvit, of the duke of Clarence.

King Ri-
chard 3.

The third brother Richard duke of Gloucester and afterward king, left no issue, so as this is all that is needful to be spoken of the house of York, in which we see that the first and principal competitor is the king of Scots, and after him Arbella, and the children of the earles of Hartford and Darby are also competitors of the same house, as descended by the daughter of the first brother, Edward duke of Yorke, and king of England, and then the Earle of Huntington and his generation, as also the Pooles, Barringtons, and others before named, are or may be titlers of York, as descended of George duke of Clarence, second sonne of Richard duke of Yorke, all which issue yet seme to remaine only within the compasse of the house of Yorke, for that by the former pedegre of the house of Lancaster it seemeth to the fauorers of this howse that none of these other cōpetitors are properly of the line of Lancaster, for that king Henry the 7. comming only of Iohn of Gaunt by Catherin Swinford his third wife, could haue no part in Lady Blanch that was only inheritour of that house, as to these men seemeth euident.

Only then it remaineth for the ending of this chapter, to explaine some-what more clearly the discent of king Henry the 7. and of his issue. for better vnderstanding vtherof you must consider, that king Henry the 7. being of the house of Lancaster, in the manner that you haue heard, and marrying Elizabeth the eldest daughter

daughter of the contrary house of Yorke, did seeme to ioyne both houses together, & make an end of that bloody controuersie, though others now wil say no, but how soeuer that was (vvhich after shalbe examined) cleere it is, that he had by that mariage one only sonne, that left issue, and two daughters, his sonne vvas king Henry the 8. vvhich by three seuerall wiues, had three children that haue reigned after him, to vvit king Edward the 6. by Queene Iane Seymer, Queene Mary by Queene Catherine of Spaine, and Queene Elizabeth by Queene Anne Bullen, of al which three children no issue hath remayned, so as now vve must returne to consider the issue of his daughters.

The eldest daughter of king Henry the 7. named Margaret vvas married by her first marriage, to Iames the fourth king of Scots, vvhich had issue Iames the 5. & he againe Lady mary, late Queene of Scots, and dowager of France, put to death not long ago in England, vvhich left issue Iames the 6. now king of Scots. And by her second marriage the said Lady Margeret after the death of king Iames the 4. tooke for husband Archebald Duglas, earle of Anguys in Scotland, by whom she had one only daughter, named Margeret which vvas married to Mathew Steward, earle of Lenox, and by him she had two sonnes, to vvit Henry Lord Darly, and Charles Steward, Henry married the foresaid Lady Mary Queene of Scotland & vvas murthered in Edinbrough in the yeare

Issue of
king Henry
the 7.

Issue of
the lady
Mary of
Scotland.

1566. as the world knoweth, and Charles his brother married Elizabeth the daughter of Sir William Candish in England, by whom he had one only daughter yet living named Arbella, an other competitor of the crowne of England, by the house of Yorke, and this much of the first daughter of kinge Henry the 7. Mary the second daughter of king Henry the 7. & younger sister to king Henry the 8. vvas married first to Lewis the 12. king of Fraunce, by whom she had no issue, and afterward to Charles Brandon duke of Suffolk, by whom she had two daughters, to witt, Frances and Elenor, the lady Francis vvas married first to Henry Gray marques of Dorset, & after duke of Suffolk, beheaded by Queene mary, and by him she had three daughters, to witt Iane, Catherine, and Mary: the lady Iane eldest of the three, was married to L. Guylford Dudley, sonne to Iohn Dudley late duke of Northumberland, with whom (I meane with her husband & father in law) she was beheaded soone after for being proclaimed Queene, vppon the death of king Edward the sixt: the lady Catherine second daughter married first the lord Henry Herbert earle of Penbroke, and left by hym again she dyed afterward in the tower, wher she vvas prisoner for hauing had two childre by Edward Seymer earle of Hartford, without sufficient prooffe that she vvas married vnto him, and the two children are yet living, to witt, Henry Seymer, commonly called lord Beacham, and Edward Seymer

Issue of
mary 2.
sister to
K. Henry.

Lady
Francis.

Stow.
An. 7.
Edward
6.

Seymer his brother. The lady mary the third sister though she was betrothed to Arthur lord Gray of wilton, and maryed after to Martin keyes gentleman porter, yet hath she left no issue, as far as I vnderstand.

This then is the end, of the issue of Lady Francis, first of the two daughters of Queene Mary of France by Charles Brandon duke of Suffolk, for albeit the said lady Francis, after the beheading of the said Henry Lord Gray duke of Suffolk her first husband, married againe one Adrian Stokes her seruant, & had a sonne by him, yet it liued not, but dyed very soone after.

Now then to speak of the yonger daughter of the said Frenche Queene and duke, named Elinor, she vvas married to Henry Clifford Earle of Comberlād, who had by her a daughter named Margaret that vvas married to Lord Henry Stanley earle of Darby, by whom she hath a plentiful issue, as Ferdinand now earle of Darby William Stanley, Francis Stanley, and others, and this is al that needeth to be spoken of these discents of our English kings, princes, peeres or competitors to the crowne for this place, and therefore now it resteth only that vve begin to examine what different pretentions are framed by diuers parties, vpon these discents and genealogies, vvhich is the principal point of this our discourse.

Of Lady
Elenor of
Suffolk.

OF THE GREAT AND
 GENERALL CONTROVER-
 SIE AND CONTENTION BETWEENE
the two houses royal of Lancaster and Yorke,
and which of them may seeme to haue
had the better right to the crowne
by way of succession.

CAP. IIII.

ANd first of al before I do descend to treat in particuler of the different pretences of feueral persons and families, that haue issued out of these two royal linages of Lancaster and Yorke, it shal perhaps not be amisse, to discusse with some attention, what is, or hath, or may be said, on both sides for the general contro- uersie that lyeth betweene them, yet vndescided in many mens opinions, notwithstanding their hath bin so much sturr about the same, & not only writing and disputing, but also fighting and murthering for many yeares. And truly if we looke into diuers histories recordes and authors vvhich haue written of this matter, vve shal find that every one of them spea- keth commonly according to the tyme wherein they liued, for that al such as wrote in the tyme of the three Henries, fourth, fift, and sixt, kings of the house of Lancaster, they make the title of Lancaster very cleare, and vndoubted, but such others as wrote since that tyme (whi- les the house of Yorke hath held the scepter) they haue spoken in far different manner, as
 namely

Varietie
 of au-
 thores
 opinions
 about
 this con-
 trouersie.

namely Polydor that wrote in king Henry the 8. his tyme, and others that haue followed him since, do take al right from the house of Lancaster, and giue the same to the house of Yorke, wherfore the best waye I suppose wilbe, not so much to consider vvhat historiographers do say according to their affections, or interests, as vvhat reasons, and profes be alleged of eue-ry side, for that by this, we shal more easely come to iudge where the right or wrong doth lye.

Polydor
in fine
vit. Henr.
3. & initio
vit. Henr.
4. & in
vit. Rich.
An. 1326.

First therfore, the defendors of the house of Yorke do alleage, that their title is playne and euident, for that as in the former chapter hath bin declared, Richard duke of Yorke first pre-tender of this house, vvwhose father vvvas sonne to Edmond Langley duke of Yorke, fourth sonne of king Edward the third and his mother Anne Mortimer that vvvas neece once re-moued, and sole heyre to Leonel duke of Clarence, second sonne of the said king Edward, this Richard (I say) duke of York pretended, that for so much as he had tvvo titles ioyned together in himselfe, and vvvas lawful heyre as vvvel to duke Leonel the second brother, as to duke Edmond the fourth, that he vvvas to be preferred in succession of the crowne after the death of king Richard the second, heyre of the first sonne of king Edward, before the issue of Iohn of Gaunt that vvvas but third sonne to the said king Edward, and consequently that Héry Bolenbrook Iohn of Gaunts sonne duke of

The alle-
gations of
the house
of yorke.

Lancaster, called afterward king Henry the fourth, entred the crowne by tyrāny & violēce, first for deposing, the true and lawful king Richard, and secondly for taking the kingdome vppon himselfe, vvhich kingdome after the death of the foresaid king Richard (which happened in the yeare 1399) belonged to Edmond mortimer Earle of march, then liuing, and after his death to Anne Mortimer his sister, married to Richard earle of Cābridge father to this Richard pretendēt duke of Yorke, as hath bin said, for that this Edmond and Anne Mortimer were children to Roger Mortimer sonne of Phillip that vvas daughter to duke Leonel, vvhich Leonel vvas elder vnclē to king Richard, and before Iohn of Gaunt the younger brother, vvhose sonne tooke the crowne vppon him.

The storie of the
contro-
uersie be-
twene
Lancaster
& York.

For the better vnderstanding of which pretence and allegation of the house of Yorke against Lancaster, we must note the story following, to wit, that king Edward the third, seing in his old age, that prince Edward his eldest sonne, whom of al his children he loued most dearly, was deade (though their vvanted not much doubt in some mēs heads as after shalbe shewed vvho ought to succede) yet the old man for the exceeding affection he bare to the dead prince, vvould heare nothing in that behalfe, but appointed Richard the said prince Edwards only sonne and heyre to succeed him in the kingdome, and made the same to be confirmed

confirmed by act of parlament, and inforced
 al his children then a liue, to swcare to the
 same, which were Iohn of Gaunt, duke of Lan-
 caster, his third and eldest sonne that then li-
 ued, (for Leonel his second sonne duke of
 Clarence, vvas dead before) and Edmond Lan-
 gley and, Thomas Woodstock earles at that
 tyme but after dukes of Yorke & Glocester, &
 so king Richard reigned with good obedience
 of his vncles and their children for 20. yeares
 together, but in the end when he grew inso-
 lent & had put to death his vncl the duke of
 Glocester together vvith the earle of Arundel,
 and banished many others of the nobility,
 and among them the Archbishop of Can-
 terbury, as also his owne cosin germaine
 Henry duke of Hereford, & after of Lancaster,
 sonne and heyre of Iohn of Gaunt, and had
 made many wicked statutes aswel against the
 church and state Ecclesiastical, as also to in-
 trangle the realme and nobility with fayned
 crymes of treason against his regaltie, as then
 he termed them, the principal men of the
 realme seing a fit occasion offred by the
 kings absence in Ireland, called home out of
 France the foresaid Henry duke of Lancaster,
 vvith the Archbishop of Canterbury, earles
 of Arundel and Warwick, and others which
 vv ere in banishment, and by common consent
 gathered vppon the suddaine such an army to
 assist them in England, as they took the king,

Polydor,
 in vita
 Richard.
 2. lib. 20.

King Ri-
 chards de
 position.

brought him to London, and there in a parliament laying together the intollerable faults of his gouernment, they depriued him of al regal dignity, as before they had done to his great grandfather king Edward the second, & then by vniuersal consent of the parliament and people their present, they chose & admitted the said Henry duke of Lancaster to be their king, vvho continewed so al the daies of his life, and left the crowne vnto his sonne, and sonnes sonne, after him, by the space of threescore yeares, vntill this Richard before named duke of Yorke, made chalenge of the same in manner and forme as before hath bin shewed.

Cheefe
points of
the con-
trouersie
betwee-
ne Lan-
caster and
Yorke.

Now then the storie being this, the question is first, whether Richard the second were iustly deposed or no, and secondly whether after his deposition the house of Yorke or house of Lancaster should haue entred, and thirdly if the house of Lancaster did commit any wronge or iniustice at their first entrance to the crowne, yet whether the continuance of so many yeares in possession, vvith so many approbations and confirmations therof by the common vvealth vvere not sufficient to legitimate their right.

Three
pointes
about
king Ri-
chards
depositiō.

Concerning vvhich points many things are alleaged by the fauourers of both families, and in the first pointe touching the lawfulness or vnlawfulness of king Richards deposition, three articles especially do seeme most considerable, to wit, about the thing in it selfe whether a lawful king may be deposed vppon iust causes,
and

& secondly about these causes in king Richards deposition, to witt, whether they were iust or sufficient for deposition of the said king, and lastly, about the manner of doing it, whether the same were good and orderly or not.

And touching the first of these three pointes, which is, that a king vppon iust causes may be deposed I thinke both parties though neuer so contrary betweene themselves, vvil easely agree, and the Ciuil lawyer seemeth to me to haue proued it so euidently before throughout his vvhole discourse, as I thinke very litle may be said against the same. For he hath declared (if you remember) both by reason authority & examples of al nations Christian, that this may and hath and ought to be done, vvhhen vrgent occasions are offred. And first by reason he sheweth it, for that al kingly authority is giuen them only by the common wealth, & that with this expresse condition, that they shal gouerne according to law and equity, that this is the cause of their exaltation aboue other men, that this is the end of their gouernment, the butt of their authority, the starr and pole by vvhich they ought to direct their sterne, to witt, the good of the people, by the vveale of their subjects, by the benefite of the realme, vvhich end being taken away or peruerter, the king becommeth a tyrant, a Tigar, a fearse Lion, a rauening wolfe, a publique enemy, and a bloody murtherer, vvhich were against al reason both natural and moral, that a common

That a trevv K. maye be deposed.

Reason.

wealth could not deliuer it selfe from so eminent a destruction.

2. Authority.

By authority also you haue heard it proued, of all law-makers, Philosophers, Lawyers, Diuines and Gouvernours of common vvealthes, vwho haue set downe in their statutes and ordonances that kings shal sweare and protest at their entrance to gouernment, that they vvil obserue and performe the conditions their promised, & otherwise to haue no interest in that dignity, & soueraintie.

3. Examples.

By examples in like manner of all realmes christian he declared, how that often-tymes they haue deposed their princes for iust causes, and that God hath concurred and assisted wonderfully the-same, sending them commonly very good kings after those that vvere depriued, and in no country more then in Ingland it selfe, yea in the very lyne and familye of this king Richard, vwhose noble grand-father king Edward the third vvas exalted to the crowne by a most solemne deposition of his predecessor king Edvvard the second, vvhetherfore in this point their can be litle controuersie, and therefore vve shal passe vnto the second, vvhich is, vvhether the causes vvere good and iust for which this king Richard vvas esteemed vvorthy to be deposed.

VVhether the causes vvere

And in this second pointe much more difference their is betwixt Yorke and Lancaster, and

and betwene the vvhite rose and the redd, for that the house of Yorke seeking to make the other odious, as though they had entred by tyrannie & cruelty, doth not stick to auouch, that king Richard vvas vniustly deposed, but against this the house of Lancaster alleageth first, that the howse of Yorke cā not iustly saye this, for that the chiefe prince assistant to the deposing of king Richard, vvas lorde Edmond hymselfe duke of Yorke and head of that familie, together with Edward earle of Rutland & duke of Aumarle, his eldest sonne and heyre, yea and his yonger sonne also Richard earle of Cambrige, father to this Richard that now pretēderth, for so do write both Stow Hollingshead and other chroniclers of England, that those princes of the howse of Yorke, did principally assist Hēry duke of Lancaster in getting the crowne, and deposing king Richard, & Polidor speaking of the wicked gouernment of king Richard, and of the first cogitation about deposing him vwhen king Henry of Lancaster vvas yet in France, banished, and seemed not to thinke of any such matter, he hath these words. *Sed Edmundo Eboracensium duci, ea res cum primis bilem commouit, quod rex omnia iam iura peruerteret, quod antea parricidio, & postea rapinis se obstrinxisset, &c.* That is, this matter of the wicked gouernment of king Richard, did principally offend his vncle Edmond duke of Yorke, for that he saw the king now to

sufficient
of King
Rich. de-
position.

The
house of
York
chiefe
doer in
deposing
King Ri-
chard.

Polyd. lib.
20. histor.
Angl.

peruert al law and equity, and that as before he
 had defiled himselfe vvith parricide, that is,
 vvith the murther of his owne Vncle the duke
 of Glocester, brother to this Edmond, so now
 he intangled himselfe also vvith rapine, in that
 he tooke by violence the goods and inheri-
 tance of Iohn of Gaunt, late deceased, vvich
 did belong to Henry duke of Lancaster, his
 cosen germaine, by which wordes of Polidor
 as also for that the duke of Lancaster cōming
 out of Britayne accompaned only with three
 score persons, (as some stories say) chose first
 to goe into Yorke-shire and to enter at Ra-
 uenspur at the mouthe of Humber, as al the
 vvorld knoweth (which he would neuer haue
 done if the princes of Yorke had not princi-
 pally fauoured him in that action) al this (I say
 is an euident argumēt that these princes of the
 house of Yorke were then the chiefe doers
 in this deposition, and consequently cannot
 alleage now with reason that the said Richard
 was deposed vniustly.

Addit^{ad}
 Polycro-
 nicon.

Testimo-
 ny of sto-
 ries.

Secondly the house of Lancaster, alleageth
 for the iustifying of this deposition, the opi-
 nions of al historiographers, that euer haue
 written of this matter, vvwhether they be In-
 glish French Duch Latine, or of any other na-
 tion or language, vvho al with one accord do
 affirme, that king Richards gouernment vvvas
 intolerable, & he worthy of deposition, vvherof
 he that wil se more let him reade Thomas of
 Wal-

Walsingham, and Iohn Frosard in the life of king Richard.

Thirdly they of Lancaster do alleage, the The euil
particuler outrages and insolences of king Ri- ^{gouernēt}
chards ^{of king} gouernment, and first the suffering him- ^{Richard.}
selfe to be carryed away with euil counsel of
his fauorites and the peruertering of al lawes
generally vnder his gouernment, as before you
haue hard out of Polidor, the ioyning vvith
his myniōs for opressing the nobility of which
Stow hath these vvordes. *The king being at Bri-* ^{Stow in}
ston vvith Robert de Vere duke of Ireland, & Michael ^{vit. Rich.}
de la Pole Earle of Suffolke, deuised how to take away ^{2. pag. 502}
the duke of Glocester, the earles of Arundel, VVarwick, ^{regni 11.}
Darby and Nottingham, and others whose deathes they
conspired: thus sayeth Stow. And soone after they
executed the most part of their deuises, for that
Thomas of Woodstock duke of Glocester, vvas
made away vvithout law or processe, the earle
of Arundel also vvas put to death, and VVar-
wick vvas banished, and so was also Thomas
Arundel Archbisshop of Canterbury, by like
iniustice, and the like was done to Henry duke
of Hereford, and after of Lancaster, and among
other insolences he suffered Robert Vere to
dishonour and put from him his vvife, a noble
and goodly yong Lady (as Stow sayeth) and
borne of Lady Isabel king Richards aunt, that
vvas daughter to king Edward the third, and ^{Agreat}
suffered Vere to marry an other openly to her ^{insolēcy.}
disgrace and dishonour of her kynred. And
finaly in the last parlament that euer he held,
which

which vvas in the 21. yeare of his reigne, commonly called *the euell parliament*, he would needs haue al authority absolute graunted to certaine fauourits of his, which Thomas Walsingham saith, were not aboue 6. or 7. to determine of all matters vvith al ful authority, as if they only had bin the vvhole realme, vvchich vvas nothing in deede but to take al authority to him selfe only, and Stow in his chronicle hath these wordes following.

The euell
parlament
Stow an.
31. regni
Richard.

This parliament began about the 15. of September in the yeare 1397. at the beginning wherof, Edward Stafford Bishop of Excester Lord Chancellor of Ingland made a proposition or sermon, in which he affirmed that the power of the king, was alone, and perfit of it selfe, and those that do impeatch it were worthy to suffer paine of the law, &c. thus saith Stow, by al vvchich is euident, how exorbitant and contrary to al law and equity this kinges gouernment vvas.

The duke
of Lan-
caster cal-
led by
common
request.

Fourthly and lastly, those of Lancaster do alleage for iustifying of this deprivation, that duke Henry vvas called home by expresse lettres of the more and better part of al the realme, and that he came vvholly (in a manner) vn-armed considering his person, for that frofard sayeth he had but three shippes only out of Britanie, and Walsingham saith he had but 15. Lances and 400. footmen, and the additions to Polychronicon as before I noted, do auouch, that when he landed at Rauenspur in the

Profard,
Walsin-
gham.

in the county of Yorke, he had but three-score men in al to begin the reformation of his realme against so potent a tyrant, as King Richard was then accompted, and yet vvas the concourse of al people so great and general vnto him, that within few dayes he achued the matter, and that without any battaile or bloodshed at al, & thus much for the iustnes of the cause.

But now if we vvil consider the manner and forme of this act, they of Lancaster do affirme also that it could not be executed in better nor more conuenient order. First for that it vvas done by the choise and inuitation of al the realme or greater and better parte therof as hath bin said. Secondly for that is vvas done vvithout slaughter, and thirdly for that the king vvas deposed by act of parlament, and himselfe conuined of his vnworthy gouernment, and brought to confesse that he vvas vvorthely deprived, and that he vvillingly and freely resigned the same: nether can there be any more circumstances required (saye these men) for any lawfull deposition of a Prince.

vvher
ther the
manner
of depo-
sing King
Richard
vvere
good.

And if any man wil yet obiect and saye that notwithstanding al this their vvas violence, for that duke Henry was armed and by force of armes brought, this to passe, they of Lancaster do answere, that this is true, that he brought the matter to an end

Armes
necessary
for remo-
uing an
euil
prince.

end by forces, for that an euil king cannot be remoued but by force of armes, if vve expect the ordinary way of remedy left by god vnto the common vvealth, for seeing that a tyrannical or obstinate euil prince is an armed enemye vvith his feet set on the realmes head, certaine it is, that he cannot be driuen nor plucked from thēce, nor brought in order, but by force of armes. And if you saye that God may remedy the matter otherwise, and take him away by sicknes, and other such meanes, it is answered, that God wil not alwayes bynde himselfe to woorke miracles, or to vse extraordinary meanes in bringing those things to passe, vvhich he hath left in the hands of men, & of common wealthes to effectuat, by ordinary vvay of wisdom and iustice. As for example, it vv ere an easy thing (say these men) for God almightly also vvhen any wicked man breaketh his law, by theft murder or the like, to punish him imediatly by death, or otherwise himselfe, & yet he wil not so doe, but wil haue the realme to punish him, and that by force of armes also if otherwise it cannot be done, and this asvvell for example, and terror of others as also to let men vnderstande that God hath left power vppō earth to do iustice in his name vvhen neede requireth.

Examples
of kings
punish-
ed by
external
forces.

And for particuler presidents of punishing of euil princes, in like manner by force & violence, vvhen other meanes wil not serue, these men say that besides al the great multitude of examples

examples alleaged before by the Ceuil lawyer, in his fourth chapter, about euil kings deposed, ther is great variety of seuerall manners how the same hath bin done, by Gods owne ordinance, recompted in holy write, as first when the scripture sayeth in the bookes of Iudges that Aod was stirred vp by God to kill Eglon king of the Moabites that persecuted the people of Israel, and the manner vvas to feigne a secret Embassadge or message vnto him, and so to slay him in his chamber, as he did, & God deliuered his people by that meanes, and chose this particuler vway, vvhervas none wil deny but that he might haue done it by many other meanes lesse odious to the world then this was, that seemed so cruel and ful of treason.

King Eglō
slayne in
his cham-
ber.

Iud. 3.

Agayne they shew that when God had reiect-
ed king Saule for his wickednes, and deter-
myned to depose him, he chose to do it by ray-
sing of Dauid against him, and by defending
and assisting Dauid both in armes and other-
wise diuers yeares against Saule, and in the end
raysted the Philistians also against him, vvho
after diuers battailes cut of his head, and car-
ried it vp and downe the country vppon a pole,
and presented it in al the temples of their Ido-
les, and in the end left it picked vp in the temple
of Dagon, al which God might haue spared, &
haue taken him away quietly without blood-
shed, if he vvould, but he chose this second
vway.

Saul put
downe
by vio-
lence.

1. Par. 10.
vert. 9.

In like manner when he would punish king
Roboam

9.
Roboam
deposed
by his
Subjects
of ten tri-
bes.

Roboam for the sinnes of Salomon his father, and yet spare him also in parte for the sake of his grand father Dauid, he caused a rebellion to be raysed against him by Ieroboam his seru-
uant, and more then three partes of foure of his people, to rebell against him, and this by Gods owne instinct and motion, and by his expresse allowance therof after it vvas done, as the scripture auoucheth, and if Roboam had fought against them, for this fault (as once he had thought to do and vvas prepared vwith a mayne army) no doubt but they might haue lawfully slayne him, for that now these tenn tribes that for-sooke him had iust authority to depose him, for his euell gouernment, and for not yealding to their iust request made vnto him, for easing them of those greuous tributes laid vppon them, as the scripture reporteth. For albeit God had a meaning to punish him, for the sinnes of his father Salomon, yet suffred he that Roboam also should giue iust occasion himselfe for the people to leaue him, as appeareth by the story, and this is Gods highe vvisdome iustice, prouidence, and swete disposition in humane affaires.

2. Reg. 11
& 12.

2. Paralip.
cap. 10.

An other example of punishing and deposing euell Princes by force, they do alleage out of the first booke of kings, wher God appointed Elizeus the Prophet to send the sonne of an other Prophet to annoynt Iehu, Captaine of Ioram, king of Israel, vvhich Ioram was sonne to the Queene Iezabel, and to persuaade Iehu to take

Ioram &
his mo-
ther Ieza-
bel depo-
sed by
force.

to take

to take armes against his said king, and against his mother the Queene, and to deprive them both, not only of their kingdomes but also of their liues, and so he did, for the scripture saith, *Coniuravit ergo Iehu contra Ioram.* Iehu did con- 4. Reg. 2.
iure and conspire at the perswasion of this Prophet, vvith the rest of his fellow Captaines, against his king Ioram, and Queene Iezabel the kinges mother, to put them downe, and to put them to death with al the ignomy he could deuise, and God allowed therof, and perswaded the same by so holy a Prophet as Elizeus vvvas, wherby we maye assure our selues that the fact was not only lawfull but also most godly, albeit in it selfe it might seeme abhominable.

And in the same booke of kings within two chapters after, there is an other example how God moued Ioïada high priest of Ierusalem to persuade the Captaines and Coronels of that cittye to conspire against Athalia the Queene that had reigned 6. yeares, and to arme them selues with the armor of the temple, for that purpose, and to beseige the pallace wher she lay, and to kill al them that should offer or goe about to defend her, & so they did, and hauing taken her aliue, she vvvas put to death also by sentence of the said high priest, and the fact vvvas allowed by God, and highly commended in the scripture, and Ioas yong king of the blood royal was crowned in her place, & al this might haue bin done as you see without such
X trooble

5.
Athalia
deprived
by force.

4. Reg. 11.

trouble of armes, & bloodshed, if God vvould, but he appointed this seuerall meanes for working of his wil, and for releeuing of common wealthes oppressed by euel princes. And this seemeth sufficient prooffe to these men, that king Richard of England might be remoued by force of armes, his life and gouernment being so euel and pernicious as before hath bin shewed.

VVhe-
ther Lan-
caster or
Yorke
should
haue en-
tered after
king Ri-
chard.

It remaineth then that vve passe to the second principal pointe proposed in the beginning, vvvhich was, that supposing this deprivation of king Richard vvvas iust and lawfull, vvhat house by right should haue succeeded him, ether that of lacaster as it did, or the other of Yorke.

And first of al it is to be vnderstood, that at that very tyme vvhen king Richard vvvas deposed, the house of Yorke had no pretence or little at al to the crowne, for that Edmond Mortimer earle of march, nephew to the lady Phillip, vvvas then alieue, with his sister Anne Mortimer married to Richard earle of Cambrige, by vvvhich Anne the howse of Yorke did after make their clayme, but could not do so yet, for that the said Edmond her brother was liuing, and so continued many yeares after, as appeareth, for that wee reade that he vvvas alieue 16. yeares after this, to witt, in the third yeare of the raigne of king Henry the fift vvhen his said brother in law, Richard earle of Cambrigs vvvas put to death, in South-
hampton

hampton vvhom this Edmond appeached as
 after shalbe shewed, and that this Edmond
 vvas now earle of March when king Richard
 vvas deposēd, and not his father Roger (as Po-
 lidor mistaketh) is euident, by that that the said Polidor I.
 Roger vvas slayne in Ireland, a litle before the 20. in vit.
 depositiō of King Richard, to witt, in the year Richard.
 1398. and not many monethes after he had
 bin declared heyre apparent by king Richard,
 and Rogers father named Edmond also, hus-
 band of the lady Phillip, dyed some three
 yeares before him, that is, before Roger, as
 after wilbe seene, so as seing that at the de-
 position of king Richard, this Edmond Mor-
 timer elder brother to Anne was yet lining,
 the question cannot be whether the house
 of Yorke should haue entred to the crowne
 presently after the depriuation of kinge Ri-
 chard, for they had yet no pretence as hath
 bin shewed, but whether this Edmond Mor-
 timer, as heyre of Leonel duke of Clarence,
 or els Henry the duke of Lancaster heyre of
 Iohn of Gaunt should haue entred. For as
 for the house of Yorke their was yet no que-
 stion, as appereth also by Stow in his chro- Stow in
 nicle, vvhose setteth downe how that after the vita Ri-
 said deposition of Richard, the Archbishop of chard, 2.
 Canterbury asked the people three tymes,
 whom they would haue to be their king, vvhether
 the duke of Yorke their standing present
 or not, and they answered no: and then he
 asked the seconde tyme if they vvhould haue his

eldest sonne, the duke of Aumaile, and they said no, he asked the third tyme, yf they would haue his yongest sonne, Richard earle of Cambridge, and they said no. Thus writeth Stow, vvhether by it is euident, that albeit this earle of Cabridge had married now the sister of Edmód Mortimer, by whom his posterity claymed afterward, yet could he not pretend at this tyme, her brother being yet aliué, who after dying vvithout issue, left al his right to her, & by her to the house of Yorke: for albeit this earle Richard neuer came to be duke of Yorke, for that he vvas beheaded by king Henry the first at Southampton as before hath bin said, while his elder brother vvas a lyue, yet left he a sonne named Richard, that after hym came to be duke of Yorke, by the death of his vnclé Edmund duke of Yorke that dyed vvithout issue, as on the other side also by his mother Anne Mortimer, he vvas earle of March, and was the first of the house of Yorke that made title to the crowne.

Whether the earle of march or duke of Lancaster should haue succeeded to king Richard.

So that the question now is, whether after the deposition of king Richard, Edmond Mortimer nephew remoued of Leonel (which Leonel vvas the second sonne to king Edward) or els Henry duke of Lancaster, sonne to Iohn of Gaunt (which Iohn vvas third sonne to king Edward) should by right haue succeeded to king Richard, and for Edmond is alleaged, that he was heyre of the elder brother, and for Héry is said, that he vvas neerer by two degrees to
the

the stemme or last king, that is to say, to king Richard deposed, then Edmond was, for that Henry was sonne to king Richards vncle of Lancaster, and Edmond was but nephew removed, that is to say, daughters sonnes sonne, to the said king Richards other vncle of Yorke. And that in such a case, the next in degree of consanguinitie, to the last king, is to be preferred (though he be not of the elder lyne) the fauouers of Lancaster alleage many proofes, wherof some shalbe touched a litle after: & we haue seene the same practized in our dayes in France, where the Cardinal of Burbone by the iudgement of the most part of that realme, was preferred to the crowne for his propinquity in blood to the dead king, before the king of Nauarre, though he were of the elder lyne.

Moreover it is alleaged for Henry that his title came by a man, and the others by a vvo-

man, vvhich is not so much fauoured either by nature law or reason, and so they saye that the pretenders of this title of lady Phillippe that vvas daughter of duke Leonel, neuer opened their mouthes in those dayes to clayme, vntil some 50. yeares after the deposition & death of king Richard. Nay more ouer they of Lancaster say, that sixteene yeares after the deposition of king Richard, vwhen king Henry the fift vvas now in possession of the crowne, certayne noble mē, & especially Richard earle of Cambridge, that had marryed this Edmond Mortimers

The title
of Yorke
is by a
VVoimā.

Storr in
vit. Hen-
rici 5 au
3. regni.

ister, offered to haue slayne king Henry and to haue made the said Edmōd Mortymer kinge, for that he was discended of duke Leonel, but he refused the matter, thinking it not to be according to equitie, and so went and discouered the whole treason to the king, wheruppon they were all put to death in Southampton, within fowre or fise dayes after, as before hath bin noted, and this hapened in the yeare 1415. and from hence foreward vntil the yeare 1451. and thirreth of the reigne of king Henry the sixt, which was 36 yeares after the execution, done vpon these conspiratois, no more mention or pretence was made of this matter, at what tyme Richard duke of Yorke began to moue troubles about it againe.

The earle
of Cam-
brige ex-
ecuted
for con-
spiracy.

An obie-
ction for
Yorke
that Ed-
mond
Morty-
mer was
declared
heyre ap-
parent.
Polydor.
2c &
Stovv. in
vit Rich.
2 an. 1385

Thus say those of the house of Lancaster, but now these of Yorke haue a great argument for themselves, as to them it seemeth, which is, that in the yeare of Christ 1385. and 9. yeare of the reigne of king Richard the second it was declared by act of parliament (as Polidor writeth) that Edmond Mortimer, vwho had married Phillip daughter & heyre of Leonel duke of Clarence, and was grandfather to the last Edmond by me named, should be heyre apparent to the crowne, if the king should chance to dye without issue.

To which obiection those of Lancaster do answere, first, that Polidor doth err in the person, when he sayeth that Edmond husband of lady Philippe was declared for heyre apparent, for that

for that his Edmond Mortimer that married lady Philippe, dyed peacably in Ireland three yeares before this parlament vvas holden, to witt, in the yeare of Christ 1382. as both Hollinghead Stow and other chroniclers do testifie, and therefore Polidor doth erre not only in this place about this man, but also in that in another place he sayeth, that this Edmond so declared heyre apparent, by king Richard, vvas slayne by the Irish in Ireland 12. yeares after this declaration made of the succession, to wvit in the yeare 1394. vvhich vvas in deede not this man, but his sonne Roger Mortimer, heyre to him, and to the Lady Phillip his wife vvhovvas declared heyre apparent, in the parlament afore said, at the instance of king Richard, and that for especial hatred & malice (as these men say) vvhich he did beare against his said vnckle the duke of Lancaster, and his sonne Henry, vvhom he desired to exclude from the succession.

Hollinghead in vit. Rich. 2. pag. 1038. Stow. an. 1382.

Polydor li. 20. an. 1394.

The cause of this hatred, is said to be, for that presently vppon the death of prince Edvard father to this Richard, vvhich prince dyed in the yeare of Christ 1376. and but 10. monethes before his father king Edward the third: their vvvanted not diuers learned and vvise men in England, that were of opinion that Iohn of Gaunt duke of Lancaster, eldest sonne then liuing of the said king Edward, should haue succeeded his father, *iure propinquitatis*, before Richard that vvas but nephew, and one degree

The cause of hatred betwene king Richard and the house of Lancaster.

further of then he, but the old king vvas so
 extremly affectionate vnto his eldest sonne,
 the blacke prince Edward, newly dead, that
 he vvould not heare of any to succede him
 (as Frosard saith) but only Richard the said
 princes sonne. Wherefore he called presently
 a parlament, vvwhich vvas the last that euer
 he held, and therin caused his said nephew
 Richard to be declared heyre apparent, and
 made his three sonnes then liuing, that were
 yncles to the youth, to vvitt Iohn of Gaunt,
 duke of Lancaster, and Edmond Langhly duke
 afterward of Yorke, and Thomas woodstock
 duke of Glocester, to sweare fealtie vnto Ri-
 chard, as they did. And albeit Iohn of Gaunt
 al his life after, for keping of his oth that he
 had made vnto his father, neuer pretended
 any right to the crowne, yet king Richard
 knowing vvell the pretence that he and his
 might haue, vvas stil afraid of him, and sought
 infinite meanes to be rydd of him, first by
 perswading him to goe and make vvarr in
 Spaine vvher he thought he might miscary in
 so dangerous an attempt, and then offering
 to giue him al Aquitaine if he vvould leaue
 England to goe & liue there, as he did for three
 yeares, vvith extreme peril, for that the people
 of Aquitaine vvould not receaue him, but
 rose against him, and refused his gover-
 nment, and vvould not admitt him for their
 Lord, but appealed to the king, vvho also
 allowed therof, and so vvhen Iohn of Gaunt
 came

John fro-
 sard in
 histo.

Polydor.
 Hollings
 Stovy in
 vita Ri-
 chardi 2.

came home into England againe, kinge Richard thought no better way to vveaken him, then to banish his sonne, Henry duke of Herford, and so he did. And besides this, the said king Richard practised also by diuers secret drifts, the death of his said vncke the duke of Lancaster, as Wallingham witnesseth, and vwhen the said duke came at lenghte to dye, which vvas in the 22. yeare of king Richards raigne he vvrote such ioyous lettres therof (as frossaid saith) to his father in law the sixt Charles king of France, as though he had bin deliuered of his chiefe enemy, not imagining that his owne destruction was so neere at hand, and much accelerated by the death of the said duke, as it was.

Thovvas
sing in
vit Ri-
chard 2.
pag. 346.
& 344.

John Fros-
lard in
vit. Henr.

And these vv ere the causes, say the fauorers of the house of Lancaster, why king Richard caused this acte of parlament to passe in fauour of Roger Mortimer, & in preiudice of the house of Lancaster, and not for that the right of earle Mortimer, vvas better then that of the duke of Lancaster. And this they say is no new thing for princes oftentimes to procure partial lawes to passe in parlament, for matter of succession, according to their owne affections, for the like (say they) did Edward the third procure in the fauour of this Richard, as before I haue shewed in the last parlament, before his death, and afterward againe king Richard the third vvith much more open iniustice,

VVhy Ro-
ger Mor-
timer
vvas de-
clared
heyre ap-
parent.

caused an act of parliament to passe in his dayes, vvhherby his nephew Iohn de la pole earle of Lincolne, sonne to his sister Elizabeth duchesse of Suffolke, vvas declared heyre apparent to the crowne, excluding therby the children of his two elder brothers, to vvit the daughters of king Edward the fourth, and the sonne and daughter of Georg duke of Clarence, vvhich yet by al order should haue gone before their sisters children.

And like facilitie founde king Henry the 8. to get the consent of two parlaments, to giue him authority to appointe what successor he would, of his owne kynred, by which authority afterward he appointed by his testament (as in an other place shalbe shewed) that the issue of his yonger sister mary, should be preferred before the issue of his eldest sister Margaret, of Scotland.

A like declaration was that also, of king Edward the sixt, of late memory, vvho appointed, the lady Iane Gray his cosen germane remoued, to be his heyre and successor in the crowne of England, and excluded his owne two sisters, the lady Mary and the lady Elizabeth from the same: but these declaratiōs make litle to the purpose vvhen right and equity do repugne, as these men say that it did, in the fore said declaratiō of Roger Mortimer, to be heyre apparent, for that they hold and auow the house of Lancaster, to haue had the true right to enter, not only after the death of king Richard

HollingC.
in vit. Ri-
chard 3.
pag. 1406.
& in vit.
Edvvard
6. pa. 1715

The de-
claration
of king
Edvvard
6. in fa-
uour of
the Lady
Iane
Gray.

chard the second (as it did) but also before him, that is to say, immediatly vppon the death of king Edward the third, for that Iohn of Gaunt vvas then the eldest sonne, which king Edward had lyuing, and neerer to his father by a degree, then vvas Richard the nephew. About vvhich pointe to wit, vvhether the vncle or the nephew should be preferred in succession of kingdomes, it seemeth that in this age of K. Edward the third there vvas great trouble, and controuersy in the world abroad, for so testifieth Girard du Haillan Counceler and secretary of France, in his story of the yeare of Christ 1346. vvhich vvas about the middest of king Edwards reigne, and therefore no maruaile though king Edward tooke such care of the sure establisshing of his nephew Richard in succession, as is before related. And much lesse maruail is it if king Richard had stil great ielosity of his vncle the duke of Lancaster, and of his offspring, considering how doubtful the question vvas among the wise and learned of those dayes. For more declaration vvhether of I thinke it not amisse to alleage the very vvordes of the foresaid chronicler with the examples by him recited, thus then he vvriteth.

Girard de
Haillan l.
15. his
Fran. ini-
tio.

About this tyme (sayeth he) their did arise a great and doubtful question in the world, whether vncles or nephewes, that is to say, the younger brother, or els the children of the elder, should succed vnto realmes and kingdomes, vvhich cōtrouersy put al christianity into great
vvhether vn-
cles or
neph-
ewes to be
preferred
in Suc-
cession
 broyles

broyles and troobles For first Charles the second king of Naples begat of Mary his wife Queene and heyre of Hungary, diuers children, but namely three sonnes, Martel, Robert, and Philip, Martel dying before his father left a sonne named Charles, vvhich in his grandmothers right vvas king also of Hungary, but about the kingdome of Naples the question vvas, vvhether king Charles was dead, who should succeed him, either Charles his nephew king of Hungary, or Robert his second sonne, but Robert vvas preferred and reigned in Naples, and enjoyed the earldome of Prouince in France also, for the space of 33. yeares vvith great renowne of valor & wildome. And this is one example that Girard recounteth, vvhich example is reported by the famo⁹ lawyer Bartholus in his commentaries, touching the succession of the kingdome of Sicilia, and he saith, that this succession of the vncle before the nephew, vvas auerred also for rightful by the learend of that tyme, and confirmed for iust by the iudicial sentence of Pope Boniface, and that for the reasons which afterward shalbe shewed, vvhether we shal treat of this question more in particular.

Barthol.
in aurent.
Postrem.
C. de suis,
& leg. he-
red.

The second example of the vncle. An other example also reporteth Girard, vvhich insued immediatly after, in the same place, for that the forsaide king Robert, hauing a sonne named Charles, which dyed before him, he left a daughter and heyre named Ioan, neece vnto king Robert, which Ioan was married

ried to Andrew the yonger sonne of the fore-
said Charles king of Hungary, but king Ro-
bert being dead; ther stept vp one Lewis prince
of Tarranto, a place of the same kingdome of
Naples, who vvas sonne to Phillip before men-
tioned, yonger brother to king Robert, vvhich
Lewis pretending his right to be better then
that of Ioan for that he vvas a man, and one de-
gree neerer to king Charles his grand father
then Ioan was, (for that he was nephew and
the neece once remoued) he preuailed in like
manner, and thus farr Gerrard historiographer
of France.

And no doubtr, but if we consider examples,
that fell out euen in this very age only, concer-
ning this controuersie betweene the vnclē and
nephew, we shal finde store of them: for in
Spaine not long before this tyme, to wit, in the
yeare of Christ 1276. vvas that great and fa-
mous determination made by *Don Alonso* the
wife, eleventh king of that name, and of al his
realme and nobility in their courtes or parla-
ment of *Segouia*, mentioned before by the Ci-
uilian, wherein they disinherited the children
of the prince *Don Alonso de la Cerda* that dyed (as
our prince Edward did) before his father, and
made heyre apparent *Don Sancho brauo* yonger
brother to the said *Don Alonso*, and vnclē to his
children, the two yong *Cerdas*. Which sentēce
standeth euen vnto this day, and king Phillip
enioyeth the crowne of Spaine therby and the
dukes of *Medina Celi* and their race that are
discen-

And ex-
ample of
the vnclē
before
the ne-
phew in
spayne.
Garbay
li 13 cap.
14 anno
1276.

discendentes of the said two Cerdas, vvhich vvere put backe, are subiects by that sentence, and not soueraines, as al the world knoweth.

An other
example
in France
and Flan-
ders.

The like controuersie fel out but very litle after, to vvit in the tyme of king Edward the thirde in frâce, though not about the kingdome, but about the earldome of Artoys, but yet it was decided by a solemne sentence of two kings of France, and of the whole parlament of Paris, in fauour of the aunte against her nephew, which albeit it cost great troubles: yet vvas it defended, and king Phillip of Spaine holdeth the county of Artoys by it at this day, Polidor reporteth the story in this manner.

Polidor.
1. in vit.
Edwardi
3.

Robert earle of Artoys a man famous for his chiuallry, had two children, Phillip a sonne and Maude a daughter, this maude vvas married to Otho earle of Burgundy, and Phillip dying before his father, left a sonne named Robert the second, vvwhose father Robert the first being dead, the question was vvho should succede, ether maude the daughter or Robert the nephew, and the matter being remitted vnto Phillip *le Bel* king of France, as chiefe Lord at that tyme of that state, he adiuged it to Maude, as to the next in blood, but vvhen Robert repyned at this sentence, the matter vvas referred to the parlament of Paris, vvwhich confirmed the sentence of king Phillip, wher vpon Robert making his way with Phillip de Valoys that soone after came to be king of France,

France, he assisted the said Phillip earnestly to bring him to the crowne, against king Edward of Ingland that opposed himselfe therunto, and by this hoped that king Phillip would haue reuoked the same sentence, but he being once established in the crowne answered, that a sentence of such importance and so maturely giuen, could not be reuoked. Wheruppon the said Robert fled to the king of Inglands part against france, thus far Polidor.

The very like sentence recounteth the same author to haue bin giuē in Ingland at the same tyme, and in the same controuersie, of the vncle against the nephew, for the succession to the dukedome of Britanny, as before I haue related, wherein Iohn Breno earle of Montford, vvas preferred before the daughter and heyre of his elder brother Guy, though he vvere but of the halfe blood to the last duke, and she of the whole. For that Iohn the third duke of Britanny, had two brothers, first Guy of the vvhole blood, by father and mother, and then Iohn Breno his yonger brother by the fathers side only. Guy dying, left a daughter and heyre named Iane, married to the earle of Bloys, nephew to the king of France, vwho after the death of duke Iohn pretended in the right of his wife, as daughter and beyre to Guye the elder brother: but king Edward the third with the state of Ingland, gaue sentence for Iohn Breno, earle of Montford her vncle, as for him that vvas next in consanguinity to the dead duke,

6.
An other
example
of Britan-
ny.

Supra c. 2

duke, and with their armes the state of England did put him in possession vvhho slew the earle of Bloys as before hath bin declared, and ther-by gat possession of that realme and held it euer after, and so do his heyres at this day.

An other
example
in Scot-
land.

The con-
uentio of
the hou-
ses of
Balliol &
Bruse in
Scotland.

And not long before this againe, the like resolution preuayled in Scotland, betweene the house of Balliol and Bruse, who were competitors to that crowne, by this occasion that now I wil declare. VVilliam king of Scots had issue two sonnes Alexander that succeeded in the crowne, and Dauid earle of Huntington: Alexander had issue an other Alexander, and a daughter marryed to the king of Norway, al which issue and lyne ended about the yeare 1290. Dauid yonger brother to king William, had issue two daughters, Margaret and Isabel, Margaret vvas marryed to Alaine earle of Galloway, and had issue by him a daughter that marryed Iohn Balliol Lord of Harcourt in Normādie, vvhho had issue by her this Iohn Balliol founder of Balliol College in Oxford that now pretended the crowne, as descended from the eldest daughter of Dauid in the third discent.

Isabel the second daughter of Dauid, vvas marryed to Robert Bruse, Earle of Cleueland in England, vvhho had issue by her this Robert Bruse, earle of Carick, the other competitor. Now then the question betweene these two competitors was, vvhich of them should succcede. ether Iohn Balliol that was nephew to the elder daughter or Robert Bruse that vvas sonne to
the

the yonger daughter, & so one degree more neere to the stock or stemme then the other. And albeit king Edward the first of England, whose power vvas dreadful at that day in Scotland, hauing the matter referred to his arbitrement, gaue sentence for Iohn Bailliol, and Robert Bruse obeyed for the tyme, in respect partly of feare and partly of his oth that he had made to stand to that iudgment: yet vvas that sentence held to be vniust in Scotland, and so vvas the crowne restored afterward to Robert Bruse his sonne, and his posterity doth hold it vnto this day.

In England also it selfe, they alleage the examples of king Henry the first preferred before his nephew William, sonne and heyre to his elder brother Robert, as also the example of king Iohn preferred before his nephew Arthur, duke of Britany, for that king Henry the second had fower sonnes, Henry, Richard, Geffrey, and Iohn, Henry dyed before his father vvithout issue, Richard reigned after him and dyed also vvithout issue: Geffrey also dyed before his father, but left a sonne named Arthur duke of Britanie, by right of his mother. But after the death of king Richard, the question vvas vvho should succeede, to vvit, either Arthur the nephew or Iohn the vncke, but the matter in England vvas soone decided: for that Iohn the vncke was preferred before the nephew Arthur, by reason he vvas more neere to his brother dead, by a degree
s. Examples in Inglād.
 Y then

Hollings-
head in
vit. Regis
Ioannis
pag. 142.

then vvas Arthur. And albeit the king of Frãce and some other princes abroad opposed themselves for stomack against this succession of king Iohn, yet say these fauourers of the house of Lancaster, that the English inclined stil to acknowledge and admitt his right, before his nephew, and so they proclaymed this kinge Iohn for king of England, vvholes he vvas yet in Normandie, I meane Hubert Archbishop of Canterbury, Elenor the Queene this mother, Geffrey Fitzpeter chiefe iudge of England (vvho knew also vvhat law meant therein) and others the nobles and Barons of the realme, vvithout making any doubt or scruple of his title to the succession.

How Ar-
thur duke
of Britan-
ny vvas
declared
heyre ap-
parent.

Polydor
1. 14. Hol-
lingh. in
vit. Ri-
char. 1.
pag. 420.
2.

And vvheras those of the house of Yorke do alleage, that king Richard in his life tyme, vvhen he was to goe to the holy land, caused his nephew Arthur to be declared heyre apparent to the crowne, and therby did shew that his title vvas the better, they of Lancaster do answere, first, that this declaration of king Richard, vvas not made by act of parlament of England, for that king Richard vvas in Normandie vvhen he made this declaration, as playnly appeareth both by Polidor and Hollingshead. Secondly, that this declaration was made the sooner by king Richard at that tyme, therby to repressse and kepe downe the ambitious humor of his brother Iohn, vvhom he feared least in his absence, if he had bin declared for heyre apparēt, might inuade the crowne,
as in

as in dede vwithout that, he was like to haue done, as may appeare by that which happened in his saide brothers abiēce.

Thirdly they shew, that this declaration of king Richard vvas neuer admitted in England, neither duke Iohn would suffer it to be admitted, but rather caused the bisshop of Ely that vvas left gouernour by king Richard, vwith cōsent of the nobility, to renounce the said declaration of king Richard in fauour of Arthur, and to take a contrary oth to admitt the said Iohn, if king Richard his brother should dye vwithout issue, and the like oth did the said Bisshop of Ely together withe the Archbishop of Roan, that was left in equal authority with him, exact and take of the citizens of London, vwhen they gaue them their priuileges and liberties of cōmunaltie, as Hollingshed recordeth.

Hollingsh.
in vit Ri-
char. regis
pag 496.
& 499.

And lastly the said Hollingshed v writeth, how that king Richard being now come home againe from the warr of Hierusalem, and void of that ielosity of his brother, vvhich before I haue mentioned: he made his last wil and testament, and ordeyned in the same, that his brother Iohn, should be his successor, & caused al the nobles there present to sweare fealtie vnto him, as to his next in blood, for which cause Thomas Walsingham in his story v writeth these wordes, *Ioannis Filius iunior Henrici 2. Anglorum regis, & Alienora Ducissa, Aquitaniae, non modo iure propinquitatis, sed etiam testamento fratris sui, Ri-*

Hollingsh.
head pag.
540.

VValsing.
in ypo-
dig. Neu-
striz.

chardi, designatus est successore post mortem ipsius.

Which is, Iohn yonger sonne of Henry the second king of England, and of Eleanor duchesse of Aquitaine, vvas declared successor of the crowne not only by law and right of neernes of blood, but also by the wil and testament of Richard his brother. Thus much this ancient chronicler speaketh in the testifying of King Iohns title.

By al which examples, that fell out almost vvithin one age in diuers natiōs ouer the world (letting passe many others which the Ciuilian touched in his discourse before, for that they are of more ancient tymes) these fauourers of the house of Lancaster do inferr, that the right of the vnclē before the nephew, vvas no new or straunge matter in those dayes of king Edward the third, and that if we vvil deny the same now, vve must cal in question the succession and right of al the kingdomes and states before mentioned, of Naples, Sicilie, Spayne, Britanic, Flanders, Scotland, & England, whose kings and princes do evidently hold their crownes at this day by that very title, as hath bin shewed.

Opinions
of la-
vvyers for
the ne-
phevv &
vnclē.

Moreouer they saye, that touching law in this pointē, albeit the most famous Ciuil la-vvyers of the world, be some vvhat deuided in the same matter, some of them fauouring the vnclē, and some other the nephew, and that for different reasons. As Baldus Oldratus, Panormitanus and diuers others alleaged by

Guillelmus

Guillelmus Benedictus in his repetitions in fa-
uour of the nephew against the vncle, and on
the other side, for the vncle before the nephew,
Bartolus, Alexander, Decius, Altiatus, Cuiatius
and many other their follovers, are recom-
p-
ted in the same place by the same man, yet
in the end, Baldus that is held for head of
the contrary side, for the nephew, after al rea-
sons weighed to and fro, he commeth to con-
clude, that seing rigour of law runneth only
with the vncle, for that in deed, he is properly
neerest in blood by one degree, and that only
indulgence and custome serueth for the ne-
phew, permitting him to represent the place of
his father, vvhich is dead, they resolue (I say)
that vvhensoeuer the vncle is borne before the
nephew, and the said vncles elder brother dyed
before his father (as it happened in the case of
John of Gaunt and of king Richard) their the
vncle by right may be preferred, for that the
said elder brother could not giue or transmitt
that thing to his sonne, vvhich vvas not in
himselſe before his father dyed, and conse-
quently his sonne could not represent that
vvhich his father neuer had, and this for the
Ciuil law.

Benedict.
Cap. Ra-
nutius
verb. in
eodem
testam.

Baldus in
lib. vi in
test cap.
de suis &
leg. he-
red. & per.
li. vnicam
pro 20.
sui autē
& nouis-
simo.

Touching our common lawes, the fauou-
rers of Lancaster do say two or three things, first
that the right of the crowne and interest ther-
unto is not decided expressly in our law,
nor it is a plea subiect to the common rules
therof, but is superiour and more eminent,

Tou-
ching the
common
law of
England.

and therefore that men may not iudge of this as of other pleas of particuler persons, nor is the tryal like, nor the common maximes or rules alwaies of force in this thing, as in others, which they proue by diuers particuler cases, as for example, the vvidow of a priuate man shal haue her thirdes of al his landes for her dowry, but not the Queene of the crowne. Againe if a priuate man haue many daughters, and dye seized of any landes in fee simple, vwithout heyre male, his said daughters by law shal haue the said landes as copartenersequally denided betweene them, but not the daughters of a king, for that the eldest must carry away al, as though she were heyre male. The lyke also is seene, if a baron matche vwith a femme that is an inheretrix, and haue issue by her, though she dye, yet shal he enioye her landes during his lyfe, as tenant by curtesie, but it is not so in the crowne if a man mary with a Queene, as king Phillip dyd with Queene Marye: and so finally they saye also that albeit in priuate mens possessions, the common course of our law is, that if the father dye seized of landes in fee simple, leauing a yonger sonne and a nephew, that is to say a child of his elder sonne, the nephew shal succede his grandfather, as also he shal do his vncle, if of three bretheren the elder dye without issue, and the second leaue a sonne: yet in the inheritance and succession of the crowne it goeth otherwise, as by al the former eight examples haue bin shewed, and this

Different
rules in
succession
of the
crowne
and of
other in-
heritan-
ces.

this is the first they saye about the common law.

The second pointe which they affirme is, that the ground of our common lawes, consisteth principally and almost only, about this pointe of the crowne, in custome, for so say they we see by experience, that nothing in effect, is written therof in the common law, and al old lawyers do affirme this pointe, as vvere *Ranulfus de Granuilla* in his booke of the lawes and customes of England, vvhich he vvrote in the tyme of king Henry the second, and Iudge *Fortescue* in his booke of the prayse of English lawes, vvhich he compiled in the tyme of king Henry the sixt, and others. Wherof these men do inferr, that seing there are so many presidets and examples alleaged before, of the vncles case preferred before the nephew, not only in forayne cuntryes, but also in England, for this cause (I saye) they do affirme, that our cōmon lawes, cannot but fauour also this title, and consequently must needs like vvell of the interest of Lancaster, as they auouch that al the best old lawyers did in those tymes: & for example they do record two by name, of the most famous learned men vvhich those ages had, who not only defended the said title of Lancaster in those dayes, but also suffred much for the same. The one vvas the forenamed iudge *Fortescue*, Chancellor of England, and named father of the common lawes in that age, vvho fled out of England vvhich the Queene, vvife of king

The com
mon lawv
grounded
in custo-
me.

Ancient
lawyers
that de-
fended
the house
of Lan-
caster.

Holling.
in vit. Hē-
ric. 6. pag.
23 00.

Henry the sixt, & vvith the prince her sonne, and liued in banishment in france, vvhere it seemeth also that he vvrote his learned booke intituled *de laudibus legum Anglia*. And the other vvvas, Sir Thomas Thorope chiefe Baron of the exchequer, in the same reigne of the same king Henry the sixt, vvho being aftervvard put into the tower by the Princes of the house of Yorke, for his eger defence of the title of Lancaster, remayned ther a long tyme, and after being deliuered, vvvas beheaded at hygate in a tumulte, in the dayes of king Edward the fourth.

The
summe of
this con-
trouersie
repeated.

1. These then are the allegations which the fauourers of the house of Lancaster do lay downe for the iustifying of that title, affirming first, that Iohn of Gaunt duke of Lancaster ought to haue succeeded his father K. Edward the third, immediatly before king Richard, and that iniury vvvas done vnto him in that king Richard vvvas preferred. And secondly that king Richard (vvvere his right neuer so good) vvvas iustly & orderly deposed, for his euil gouernment, by lawful authority of the common wealth. And
2. thirdly that after his deposition, Henry duke of Lancaster, sonne & heyre of Iohn of Gaunt, vvvas next in succession euery vvay, both in respect of the right of his father, as also for that he vvvas two degrees neerer to the king deposed then vvvas Edmond Mortimer descended of Leonel duke of Clarence, and these are the principal and substantial proofes of their right and title.

But

But yet besides these, they do add also these Other arguments of Lancaster.
 other arguments and considerations following:
 first that vvhhat soeuer right or pretence the
 house of Yorke had, the princes therof did forfeit and leese the same many tymes, by their conspiraces, rebellions & attainders, as namely Richard earle of Cambrige, that married the lady Stow in vita Henrici 5. pag. 587.
 Anne Mortimer, and by her tooke his pretence to the crowne, vvas conuicted of a conspiracy against king Henry the fift in Southampton, as before I haue said, and there vvas put to death The princes of Yorke often attained.
 for the same, by iudgment of the king, and of al his peeres, in the yeare 1415. the duke of Yorke his elder brother, being one of the iury that condēned him. This earle Richards sonne, also named Richard, comming afterward by the death of his vnclē, to be duke of York, first of al made open clayme to the crowne, by the title of Yorke. But yet after many othes sworne and broken to king Henry the sixt, he was attaynted of treason: I meane bothe he and Edward his sonne, then earle of march, which aftervvard vvas king, vvith the rest of his offspringe euen to the ny nth degree (as Stow affirmeth) in a parlament holden at Couentry Stow in vita Henrici 6.
 in the yeare 1459. and in the 38. yeare of the reigne of the said king Henry, and the very next yeare after the said Richard was slayne in the same quarrel: but the house of Lancaster (say these mē) was neuer attained of any such crime.

Secondly they saye, that the house of Yorke

2.
Yorke entered by violence.

Stow in
fine vit.
Henric. 6.

did enter only by violence, & by infinite bloodshed, and by wilful murthring not only of diuers of the nobilitie both spiritual and temporal, but also of both king Héry the sixt hymself and of prince Edward his sonne, and by a certaine populer and mutinous election of a certaine few souldiers in Smithfield of Lódon, and this vvas the entrance of the howse of Yorke to the crowne, vvhervas king Henry the fourth, first king of the house of Lancaster, entered vvithout bloodshed as hath bin shewed, beinge called home by the requestes and letters of the people and nobility, and his election & admission to the crowne, vvas orderly, and authorized by general consent of parlament, in the doing therof.

3.
The
house of
Yorke put
downe a
holy
king.

Thirdly they alleage, that king Héry the sixt put downe by the house of Yorke, was a good and holy king, and had reigned peaceably 40, yeares, and neuer committed any act, vvorthy deposition, vvhervas king Richard the second had many waies deserued the same, as him selfe came to acknowledge, and ther vvpon made a personal solemne and publique resignation of the said crowne vnto his cosen Henry of Lancaster, the which iustified much the said Henryes entrance.

4.
Long pos-
sessions
of the
house of
Lanca-
ster.

Fourthly they alleage that the house of Lancaster had bin in possession of the crowne vpon the pointe of 60. yeares, before the house of Yorke did raise trouble vnto them for the same, in vvwhich tyme their title was confirmed by many

by many parlaments, othes, approbations, and publique acts of the common vvealth, and by the nobles peeres and people therof, and by the states both spiritual and temporal, and vvith the cōsent of al foraine nations, so that if there had bin any fault in their first entrance, yet vvas this sufficient to authorize the same, as we see it vvas in the title of king William the Conqueror, and of his two sonnes king William Rufus, and king Henry the first, that entred before their elder brother, and of king Iohn, that entred before his nephew, & of his sonne king Henry the third that entred after his fathers depriuation, and after the election of prince Lewis of france, as also of Edward the third that entred by deposition of his owne father: of al which titles, yet might there haue bin doubt made at the begining, but by tyme and durance of possession, and by confirmation of the commō wealth, they were made lawful, & vvithout controuersie.

Fiftly they say, that if we consider the fowre king Heuryes that haue bin of the house of Lancalter to vvith the 4. 5. 6. and 7. and do compare thē vvith the other fower that haue bin of the house of York, to vvith Edward the fourth, Richard the third, Henry the eight, & Edward the sixt, & al their acts both at home & abroad, vvhat quietnes or troobles haue passed, & what the common wealth of Ingland hath gotten or lost vnder each of them, vve shal finde, that God hath seemed to prosper and allow much

The difference of kings of both houles.

more

more of those of Lancaster, then of those of Yorke, for that vnder those of Lancaster the realme hath enioyed much more peace, and gayned far greater honor, and enlarged more the dominions of the crowne then vnder those of Yorke, and that it had done also much more if the seditions, rebellions, and troobles raysed and brought in by the princes of the house of Yorke, had not hindered the same, as saye these men, it vvas evidently seene in the tyme of king Henry the sixt, when their contention against the princes of the house of Lancaster, vvas the principal cause vvhy al the English states in France vv ere lost, and what garboiles and troubles at home haue ensued afterwards, and how infinite murthers and man slaughters vvith chainge of nobility haue bin caused hereby, and increased aftervvard vnder the gouernment and rule of the princes of Yorke, neadeth not (say these men) to be declared.

6.
The
princes of
Yorke
cruel one
to the
other.

One thing only they note in particuler, vv hich I vv il not omit (and let it be the sixt note) and that is, that the princes of Yorke haue not only bin rigorous and very bloody vnto their aduersaires, but also among themselves, and to their owne kyntred, vv hich these men take to be a iust punishment of God vpon them: And for prooffe heerof, they alleage first, the testimonie of Polydor, vv ho albeit he vv ere a great aduocat of the house of Yorke, as before hath bin noted, for that he liued

he liued and vvrote his story vnder king Henry the eight , yet in one place he breaketh foorth into these wordes , of the princes of this house. *Cum non haberent iam inimicos in quos sauitiam explerent, & saturarent, in semetipfos crudelitatem exercuerunt, proprioque sanguine suas pollure manus.* When these princes now had brought to destruction al those of the house of Lancaster , so as they had no more enimyes vppon vvhom to fill and satiat their crueltie , then began they to exercise their fierfnes vppon themselues , and to embrevv their handes with their owne blood, thus far Polidor.

Polydor
virg. hist.
Anglie
lib.24.

Secondly they do shew the same by the deedes of both sides, for that the loue, vnion, trust, confidence, fayth fulnes, kyndnes, and loyaltie of the princes of Lancaster, the one rovvardes the other , is singuler and notorious , as may appeare by the acts and studious endeouours of the lord Henry bishop of Winchester, and Cardinal, and of the lord Thomas duke of Excester and marques of Dorset, brothers of king Henry the fourth, to vvhom and to his children, they were most faythfull frendly and loyal , as also by the noble proceedings of the lordes Thomas duke of Clarence , Iohn duke of Bedford, and Humfrey duke of Glocester , sonnes of the foresaid Henry the fourth, and brothers of king Henry the fift , (the first of vvch three gaue his blood in his seruice, & the other

Great
vnion &
fayth-
fulnes of
the prin-
ces of
Lanca-
ster.

two spent their whole liues in defence, of the dignity of the English crowne, the one as regent of France, the other as protector of England: by the worthy acts also and renowned faythfulnes of the dukes of Somerset, cosen germanes to the said king Henry the fourth, and to his children, and the proper ancestors of king Henry the seventh, al vvhich dukes of Somerset, of the house of Lancaster, (being five or six in number) did not only as Polydor sayeth, assist and helpe their soueraine, and the

Polyd. lib.
23. vvhole realme, *Vigilijs curis & periculis*, that is to saye with watchfulnes, cares, and offering themselves to dangers, but also fower of them one after an other, to witt Edmond with his three sonnes, Henry, Edmond, and Iohn, (wherof two successiuelly after him vvere dukes of Somerset, and the other marques dorset) were al fower. (I say) as so many Machabyes, slayne in the defence of their country and family, by the other factiō of the house of Yorke, which thing say these men, shewed euidently both a maruelous confidence that these men had in their quarrel, as also a great blessing of God towards that familie, that they had such loue and vnion among themselves.

Dissen-
tions. in
the house
of Yorke.

But now in the house of Yorke these men endeavour to shew al the contrary, to witt that there vvas nothing els but suspition, hatred, & emulations among themselves, and extreme crueltie of one against the other, and so vve see that as loone almost as Edward duke of Yorke came to

came to be king, George duke of Clarence his younger brother conspired against him, & did help to driue him out againe, both from the realme and crowne. In recompence vvhherof his said elder brother afterward notwithstanding al the reconciliation and many othes that passed betweene them, of new loue and vnion, caused him vppon new grudges to be taken & murdered priuily at Calis, as al the world knoweth. And after both their deathes, Richard their third brother, murdered the two sonnes of his said elder brother, and kept in prison vvhiles he liued, the sonne and heyre of his second brother, I meane the yong earle of Warwick, though he were but a very child, vvhom king Henry the seuenth aftervvard put to death.

King Ed-
vvard 4.
King Ri-
chard 3.

But king Henry the eight that succeeded them, passed al the rest in crueltie, toward his owne kynred, for he weeded out almost al that cuer he could finde of the blood royal of York, and this either for emulation, or causes of meere suspicion only. For first of al he beheded Edmond de la Pole duke of Suffolk, sonne of his owne aunt lady Elizabeth, that was sister to king Edward the fourth, vvhich Edward vvas grand father to king Henry as is eident. The like distruction king Henry vvent about to bring to Richard de la Pole brother to the said Edmond, if he had not escaped his handes by flying the realme, whom yet he neuer ceased to pursue, vntil he vvas slayne in the battel of

King Hē-
ry 8. how
many he
put to
death of
his ovne
kynred.

The de-
la pooles.

Paulia in seruice of the king of Frāce, by whose death vvas extinguished the noble house of the de la Poles.

The
house of
Buckin-
gam.

Agayne the said king Henry put to death Edward duke of Buckingham, high constable of England, the sonne of his great Aunt, sister to the Queene Elizabeth his grādmother, and therby ouerthrew also that vvorthy house of Buckingham, & after againe he put to death his cosen germaine Henry Courtney marques of Excester, sonne of the lady Catherin his Aūt, that vvas daughter of king Edward the fourth, and attainted jointly vvith him, his vvife the lady Gertrude, taking from her al her goodes landes and inheritance, and committed to perpetual prison their only sonne and heyre lord Edward Courtney, being then but a childe of seuen yeares old, vvwhich remayned so there, vntil many yeares after he vvas set at libertie and restored to his liuing by Queene Mary.

The
house of
Court-
neis.

The
house of
Salisbury.

Moreouer he put to death the lady Margaret Plantagenet, Countesse of Salisbury, daughter of George duke of Clarence, that vvas brother of his grandfather king Edward the fourth, & vvith her he put to death also her eldest sonne and heyre Thomas Poole, lord Montague, and committed to perpetual prison (where soone after also he ended his life) a little infant named Henry Poole his sonne and heyre, & condemned to death by act of parlament (although absent) Renald Pole brother to the said lord Montague

Montague Cardinal in Rome, wherby he ouer-
threw also the noble house of Salisbury and
vvarwick: nether need I to go further in this
relation, though these men do note also, how
Edward the sixt put to death two of his owne
vnckles, the Seymers (or at least it vvas done by
his authority) and how that vnder her Maiestie
that now is, the Queene of Scotland, that vvas
next in kynne of any other liuing & the chiefe
titler of the honse of Yorke, hath also bin put
to death.

Seymers
put to
death.

Queene
of Scots.

Lastly they do note, (and I may not omit it)
that ther is no noble house standing at this day
in Ingland in the ancient state of calling that
it had, and in that dignity and degree that it
vvas in vwhen the house of Yorke entred to
the crowne (if it be aboue the state of a baro-
ny) but only such as defended the right and
interest of the houses of Lancaster, and that al
other great houses that toke parte vwith the
house of Yorke, and did helpe to ruine the
house of Lancaster, be either ceased since, or ex-
tyrpated and ouer throwne by the same house
of Yorke it selfe which they assisted to gett the
crowne, & so at this present they be either vni-
ted to the crowne by confiscatiō, or transferred
to other linages that are strangers to them who
possessed the before. As for example, the ancient
houses of Ingland, that remaine at this day & were
standing whē the house of Yorke begā ther title,
are, the houses of Arōdel, Oxford, Northūber-
land, Westmerland, & Shrewsbery (for al other
that

7.
No old
noble
house
standing
in Ingland
but such
as tooke
parte
vwith La-
caster.

Siue an-
cient no-
ble houses
yet.

that are in England at this day, aboue the dignity of Barons, haue bin aduanced since that tyme) and al these fiue houses vvere these that principally did stick vnto the house of Lancaster, as is euident by al Inglish chronicles.

- Arondel.** For that the earle of Arondel brought in king Henry the fourth, first king of the house of Lancaster, and did helpe to place him in the dignity royal, comming out of France vvith him.
- Oxford.** The earle of Oxford, and his sonne the lord Vere, were so earnest in the defence of king Héry the sixt as they were both slayne by king Edward the fourth, and Iohn earle of Oxford vvas one of the principal assistāts of Héry the seuēth, to take the crowne frō Richard the third. The house of Northumberland also was a principal ayder to Henry the fourth in getting the crowne, and two earles of that name to wit Henry the second and third, were slayne in the quarrel of king Henry the sixt, one in the battel of S. Albons, and the other of Saxton, and a third earle named Henry the fourth fled into Scotlād vvith the said king Henry the sixt. The house of Westmerland also vvas chiefe aduācer of Héry the fourth to the crowne, & the secōd earle of that house, vvas slayne in the party of Henry the sixt in the said battaile of Saxton, and Iohn earle of Shrewsbury vvas likewise slayne in defence of the title of Lancaster in the battaile of Norrhamptō, and I omit many other great seruices and faithful endenours vvich many Princes of these fiue noble anciēt houses, did in

did in the defence of the Lancastrian kings, vvvhich these men say, that God hath reuvar- ded vvith continuance of their howses vnto this day.

But on the contrary side, these men do note, Houses that faue red York destroyed that al the old houses that principally assisted. The title of Yorke, are now extinguished, and that chiefly by the kings themselues of that house, as for example, the principal peeres that assisted the family of Yorke, vv ere Mou- bray duke of Norfolke, de la Poole duke of Suffolke, the earle of Salisbury and the earle of Warwick, of al vv hich the euent was this.

John Moubray duke of Norfolke the first The Moubraies. confederat of the house of Yorke, dyed soone after the exaltation of Edward the fourth, vvithout issue, and so that name of Moubray ceased, and the title of the dukedome of Nor- folke vv as transferred afterward by king Ri- chard the third, vnto the house of Howards.

John de la Poole duke of Suffolke, that The de la Pooles. married the sister of king Edward the fourth, & was his great assistant, though he left three son- nes, yet al vv ere extinguished vvithout issue, by helpe of the house of Yorke, for that Ed- mond the eldest sonne duke of Suffolke vv as beheaded by king Henry the eight, & his bro- ther Richard driven out of the realme to his destruction, as before hath bin shewed, & John their brother earle of Lincolne, was slayne at Stockfild in seruice of king Richard the third, and so ended the line of de la Pooles.

The
house of
Salisbury
& VVar-
wicke.

Richard Neuell earle of Salisbury, a chiefe enemy to the house of Lancaster, and exalter of York, vvas taken at the battaile of VWakefild, and there beheaded leauing three sonnes, Richard, Iohn and George: Richard vvas earle both of Salisbury and Warwick, surnamed the great earle of Warwick, & vvas he that placed king Edward the fourth in the royal seate, by whome yet he vvas slayne afterward at Barnet, and the landes of these two great earldomes of Salisbury and Warwick, were vnitid to the crowne by his attainder. Iohn his yonger brother vvas Marques of montague, and after al assistance giuen to the said king Edward the fourth of the howse of Yorke, vvas slayne also by him at Barnet, and his lands in like manner confiscate to the crowne, vvhich yet vvere neuer restored againe: George Neuell their yonger brother vvas Archbil hop of Yorke, & vvas taken & sent prisoner by the said king Edward vnto Guynes, vvho shortly after pined avway and dyed, and this vvas the ende of al the principal frendes, helpers & aduancers of the house of Yorke, as these men do alleage.

Wherfore they do conclude, that for al these reasons, & many more that might be alleaged, the title of Lancaster must needes seeme the better title, which they do confirme by the general consent of al the realme, at king Henry the seuenth his comming in to recouer the crowne from the house of Yorke, as from vsurpers, for hauing had the victory against king Richard,

Richard, they crowned him preserly in the feild in the right of Lācaster, before he married with the house of Yorke, which is a token that they esteemed his title of Lancaster sufficient of it selfe, to beare away the crowne, albeit for better ending of strife he tooke to vvise also the lady Elizabeth heyre of the howse of Yorke, as hath bin said, and this may be sufficient for the present, in this controuerfie.

King Henry the 7. crowned in the feild in respect of the house of Lancaster only though his tittle that vvay vvvas not great.

OF FIVE PRINCIPAL
HOUSES OR LINAGES THAT
DO OR MAY PRETEND TO THE CROWNE
of England, which are the houses of Scotland, Suffolke,
Clarence Britanie, and Portugal, and first of al, of
the house of Scotland, which conteyneth the
pretentions of the king of Scottes
and the Lady Arbella.

CAP. V.

HAVING declared in the former chapter, so much as apparteyneth vnto the general controuerfie betweene the two principal houses and royal families of Lancaster and Yorke, it remayneth now that I lay before you the particuler chalenges, claymes and pretentions, which diuers houses and families descended (for the most part) of these two, haue among themselues, for their titles to the same.

Al which families, may be reduced to three or fower general heades. For that some do pretende by the house of Lancaster alone, as those

A diuision
of the fa-
milies
that do
pretend.

families principally that do descend of the line royal of Portugall: some other do pretende by the howse of Yorke only, as those that are descended, of George duke of Clarence, second brother to K. Edward the fourth. Some agayne wil seeme to pretend from both howses ioyned together, as al those that descende from king Henry the seuenth, vvhich are the houses of Scotland and Suffolke, albeit (as before hath appeared) others do deny that these families haue any true part in the house of Lancaster, which pointe shal afterward be discussed more at large. And fourthly others do pretend, before the two houses of Yorke and Lancaster were deuided, as the Infanta of Spayne, duchesse of Sauoy, the prince of Lorayne & such others, as haue descended of the house of Britanny and France, of al vvhich pretences & pretendors, vve shal speake in order, and consider vvith indifferencie vvhat is said or alleaged of euery side, to and fro, begining first with the house of Scotland, as with that which in common opinion of vulgar men, is taken to be first and neereft (though others denye it) for that they are descended of the first and eldest daughter, of king Henry the seuenth, as before in the third chapter hath bin declared.

Of the
house of
Scotland.

First then two persons are knowne to be of this house at this daye that may haue action & clayme to the crowne of Ingland, the first is, Lord Iames the sixt of that name presently king of Scotland, who descendeth of Margaret
eldest

eldest daughter of king Henry the seventh, that was married by her first marriage to James the fourth king of Scots, & by him had issue James the first, and he againe the lady Mary mother to this king now pretendant.

The second person that may pretend in this house, is the lady Arbella, descended of the selfe Arbella. same Queene Margaret by her second marriage, vnto Archibald Douglas earle of Angus, by vvhom she had Margaret that was married to Mathew Steward earle of Lenox, and by him had Charles her second sonne earle of Lenox, vvho by Elizabeth daughter of Syr William Candish knight in England, had issue this Arbella now alieue.

First then, for the king of Scots, those that do fauour his cause, (wherof I confesse that I haue In fauour of the king of Scots. not founde very many in England) do alleage, that he is the first and cheefest pretendor of all others, and next in succession, for that he is the first person that is descended (as you see) of the 1. eldest daughter of king Henry the seventh, and that in this discent ther can no bastardy or other lawful impediment be auowed, vvhy he should not succede according to the priority of his pretention and birth: And moreouer secondly they do alleage that it would be greatly 2. for the honor and profit of England, for that hereby the two Realmes of England and Scotland, should come to be ioyned, a pointe longe sought for, and much to be wished, and finally such as are affected to his religion do adde, 3.

Z 4

that

that hereby true religion wil come to be more settled also and established in England, which they take to be a matter of no smale consequence, and consideration, and this in effect is that vvhich the fauourers of this prince do alleage in his behalfe.

Argument
against
the king
of Scots.

But on the other side, there want not many that do accompt this pretence of the king of Scots neither good nor iust, nor any waye expedient for the state of England, and they do answer largely to al the allegations before mentioned in his behalfe.

And first of al, as cōcerning his title, by neernes of succession, they make litle accompt thereof, both for that in it selfe (they saye) it may easily be ouerthrowne, and proued to be of no validitie, as also for that if it were neuer so good, yet might it for other considerations be reiectēd, and made frustrate, as our friend the Ciuil lawyer, hath largely & learnedly proued these dayes; in our hearing.

1.
The king
of Scots
not of the
house of
Lancaster.

To begin then to speake first of the king of Scots title by neernes of blood, these men do affirme, that albeit there be not alleaged any bastardy in his discent, from K. Henry the seuēth his daughter, as there is in her second marriage against the lady Arbella: yet are there other reasons enough to frustrat and overthrow this clayme and pretention, and first of al, for that he is not (say these men) of the house of Lancaster by lady Blanch the only true heyre therof, as before hath in part bin shewed, and

shalbe aftervvard more largely, but only by Catherin Swinford whose children being vn lawfully begotten, and but of the halfe blood, whether they may by that legitimation of parliament, that vvas giuen them, be made inheritable vnto the crowne before the lawful daughter of the whole blood, shalbe discussed afterward in place conuenient; when we shal talke of the house of Portugal: but in the meane space, these men do presume, that the king of Scots is but only of the house of Yorke, and then affirming further that the title of the house of Lancaster, is better then that of Yorke, as by many argumētes the fauorers of Lancaster haue indeuored to shew in the former chapter, they do inferr that this is sufficient, to make voide al clayme of the king of Scots, that he maye pretende by neernes of blood, especially seing there wāt not at thisday pretēders enough of the other house of Lancaster to clayme their right, so as the howse of Yorke shal not neede to enter for fault of true heyres, and this is the first argumēt which is made against the Scottish king & al the rest of his lineage, by the fauourers and followers of the said house of Lancaster.

A second Argument is made against the said kings succession not by them of Lancaster, but rather by those of his owne house of Yorke, ^{2.} The king of Scots foraine borne. vvhich is founded vppon his forraine birth, by vvhich they hold that he is excluded, by the common lawes of England from succession to the crowne, for that the said lawes do bar al
Z s
strangers

strangers borne out of the realme, to inherite within the land, and this is an argumēt hadled very largely betweene the foresaid bookes of M. Hales, M. Morgan and my lord of Rolfe, & for that the same doth concerne much the pretentions and claymes of diuers others, that be strangers also by birth, and yet do pretend to this succession, as before hath bin declared: I shal repeate breefly in this place, the summe of that vvhich is alleaged of both parties in this behalfe.

The con-
trouersie
about to-
myne
byth.

First then, to the general assertion, that no stranger at al may inherite any thing, by any meanes in England, the said bookes of M. Morgan & my lord Rolfe do answere, that in that vniuersal sense, it is false, for that it appeareth playnely by that vvhich is set downe by law in the seuēth & nyenth yeares of king Edward the fourth, & in the eleuēth, & fourteēth of K. Hēry the fourth, that a stranger may purchase land in England, as also that he may inherite by his wife if he should marry an inheritrix.

How strā-
gers may
inherite.

Secondly they saye, that the true maxima or rule against the inheritance of strangers, is grounded only vppon a statute made in the 25. yeare of king Edward the third, and is to be restrayned vnto proper inheritances only, to wit, that no person borne out of the allegiance of the king of England, whose father and mother were not of the same allegiance at the tyme of his birth (for so are the wordes of the statute) shalbe able to haue or demande any heritage
vvith

vwith in the same alleageance, as heyre to any person.

Thirdly they say, that this axiome or general rule cannot any way touch or be applied to the succession of the crowne, first for that as hath bin declared before, no axiome or maxima of our law can touch or be vnderstood of matters concerning the crowne, except expresse mention be made therof, and that the crowne is priuiledged in many pointes that other priuate heritages be not.

Reasons why the statute toucheth not our case.

And secondly for that the crowne cannot properly be called an inheritance of alleageance or vwithin alleageance, as the wordes of the said statute do stande, for that it is not holdē of any superiour nor vwith alleageance, but immediately from God. And thirdly for that the statute meaneth plainly of inheritances by discent (for otherwise as is said an allien may hold landes by purchase) but the crowne is a thing incorporate, and descendeth not according to the common course of other priuate inheritances, but rather goeth by succession as other incorporations do, in signe wherof, no king can by law auoide his letters patents by reason of his nonage, as other common heyres vnder age do, but he is euer presumed to be of ful age, in respect of his crowne, euen as a prior, parson, deane, or other head incorporate, is, vwhich can neuer be presumed to be vwithin age, and so, as any such head incorporate though he be an allien, might inherite or demaund landes in

The crowne not holdē by alleageance.

England

England for his incorporation notwithstanding the former statute, so much more the inheritance to the crowne.

Fourthly they saye that in the very statute is selfe their is expresse exception of *Infantes du Roy*, by which wordes, these men do hold to be vnderstood al the kings offspring or blood royal, and they do fortifie their prooffe, for that otherwise king Edward the third being then aliue vwhen this statute against strangers vvas made, and his children also, who had dispersed ther blood by marriages ouer al Christendome, they vvould neuer haue suffred such a statute to passe to their owne preiudice, if the heritage of the crowne should fall vnto them or any of theirs, that should be borne abroad.

Reason.

And finally these men do shewe how that king Stephen and king Henry, the second borne out of the realme, and of parents that were not of the allegiance of England vwhen they were borne, vv ere yet admitted to the crowne without cōtradictiō in respect of their foraine byrth, which argueth that by the common course of our old common lawes, there vvas no such stoppe against aliens, and that if the statute made in king Edward the third his dayes would haue derogated or abridged this ancient libertie, it vvould haue made special mention therof, which it dothe not, as hath byn shewed, and by these reasons it seemeth, that they haue answered sufficiently to this obiection of forrayne birth, both for the
 kynge

Kynge of Scotland and al other pretenders that are foraine borne, so as by this impedimēt they may not in right be excluded from their succession.

So as now I will returne to shew the other reasons of exclusion which men do laye against the house of Scotland, wherof one is vrged muche by the house of Suffolke, and grounded vppon a certayne testament of king Henry the eight as before hath bine touched, by vvhich testament the said house of Suffolke, that is to say, the heyres of the lady Francis, and of the lady Elenor, neeces to king Henry the eight, by his second sister Mary, are appointed to succeede in the crowne of England, before the heires of Margaret the first sister, married in Scotland, yf king Henryes owne children should come to dye vwithout issue, as now they are al lyke to do, and this testament had both the kings hand or stampe vnto it, and diuers witnesses names besides, and vvas enrolled in the Chauncery & vvas authorized by two actes of parliament, to vvit, in the 28. and 35. yeares of king Henry, in vvch parlaments authority vvas given to the said king, to dispose and ordeyne of this pointe of succession, as he and his learned Councel should thinke best for the weale publike.

King H⁸.
ries testa-
ment
against
the king
of Scot-
tes.

This is the effect of this argument, vvch albeit the former bookes of M. Morgan and the bishop of Rosse, and some other of the Scottish fauourers, do seeke to refute by diuers meanes & wayes, as before in the first chapter of this

Answer-
res to the
kings te-
stament.

this discourse is set downe, and especially by the testimonie of the L. Paget, and Syr Edward Montague, that said the stamp was put vnto it after the king vvas past sense, yet they of the house of Suffolke are not satisfied vvith that answere, for that they say that at least, howsoever that matter of the late sealing be, yet seing the king willed it to be donne, drawen out and sealed, it appeareth hereby that this was the last vvil and iudgment of king Henry, and not reuoked by hym: vvhich is sufficient (saye these men) to answere the intent and meaning of the realme, and the authority committed to him, by the foresaid two acts of parlament, for the disposing of the succession, vvhich two acts (say these men) conteyning the vvhole authority of the common vvealth, so seriously and deliberately giue, in so weightie an affaire, may not in reason be deluded or ouerthrowne now by the saying of one or two men, who for pleasing or contenting of the tyme wherin they spake, might say or gesse that the kings memorie vvas past, vvhen the stampe was put vnto his testament, vvhich if it vv ere so, yet if he commanded, as hath byn saide, the thing to be done, vv hile he had memory (as it may appeare he did, both by the wittnesses that subscribed, and by the enrolement therof in the chancery) no man can deny but that this vvas the kings last wil, vv hich is enoughe for satisfying the parlamets intention, as these men do affirme.

A fourth argument is made against the king of Scots succession, by al the other competitors jointly, and it seemeth to them, to be an argument that hath no solution or reply, for that it is grounded vppon a playne fresh statute, made in the parlament holden in the 27. yeare (if I erre not) of her Maiesty that now is, vvherein is enacted & decreed, that whosoever shalbe convinced to conspire, attempt, or procure, the death of the Queene, or to be priuy or accessarie to the same, shal loose al right, title, pretence, clayme or action, that the same parties or their heyres haue or may haue, to the crowne of England. Vppon which statute, seing that afterward the lady Mary late Queene of Scotland, mother of this king, was condemned and executed by the authority of the said parlament, it seemeth eident, vnto these men, that this king vvhoe pretendeth al his right to the crowne of England by his said mother, can haue none at al.

The king
of Scots
excluded
by the
statute of
association.

And these are the reasons proofes & arguments, which diuers men do alleage against the right of succession, pretended by the king of Scots. But nowe if we leaue this pointe which concerneth the very right it self of his succession by blood, & wil come to examine other reasons and considerations of state, and those in particuler vvhich before I haue mentioned that his fauourers do alleage, for the utility and common good that may be presumed will rise to the realme of England by his admission to

Other considerations
against
the King
of Scots.

tion to our crowne, as also the other point also of establishment of religiō by them mentioned, then I say, these other mē that are against his entrance do produce many other reasons and considerations also, of great inconueniences; as to them they seeme, against this point of his admission and their reasons are these that follow.

Joyning
of Inghlād
and Scot-
land to-
gether.

First touching the publique good of the Inghlish common wealth, by the vniting of both realmes of Inghland & Scotland together, these men do saye, that it is very doubtful and disputable whether the state of Inghland shal receaue good or harme therby, if the saide vñion could be brought to passe. First for that the state and condition of Scotlād wel cōsidered, it seemeth, that it can bring no other commodity to Inghland, then increase of subiects, and those rather to participate the commodities and riches of Inghland, then to impart any from Scotland. And then secondly, the auersion and natural alienation of that people, from the Inghlish, and their ancient inclination to ioyne with the Frēch & Irish against vs, maketh it very probable, that, that subiection of theirs to the crowne of Inghland, vwould not long indure, as by experience we haue scene, since the tyme of king Edward the first, vwhen after the death of their king Alexander the third, without issue, they chose king Edward to be their king, deliuered their townes and fortresses into his hands, did sweare him fealty, receaued his deputy or vice-roy

roy (as Polidor at large declareth). And yet al
this serued afterward, to no other effect but
only slaughter, bloodshed, and infinity losses
and charges of England.

Polydor.
lib. 17. in
vit. Ed-
wardi
primi.

Thirdly they saye, that if the king of Scots
should come to possesse the crowne of Englād,
he cannot choose (at least for many yeares) but
to stand in great ielousy of so many other com-
petitors of the English blood royal, as he shal
finde in England, against whom he must needes
fortifie himselfe by those other forayne natiōs,
that may be presumed to be most sure vnto
him, though most contrary by natural inclina-
tion, & least tollerable in gouernēt to English
men, as are the Scots of whom he is borne, and
danes vvith vvhom he is allyed, and French of
vvhom he is descended, and of the vnciuil part
of Ireland, vvith vvhom one great piece of his
realme hath most coniunction, the authority &
sway of which fower nations in England, and
ouer English-men, vvhat trouble it may worke
euery vvise man may easely coniecture. Besi-
des that; the Scots-men themselues, (specially
those of the nobility) do openly professe, that
they desire not this coniunction and subordi-
nation vnto England, which in no wise they
can beare, both for the auersion they haue, to
al English gouernment ouer them, as also for
that their liberties are far greater, as now they
liue, then in that case it would be suffred, their
king coming heerby to be of greater power to

Inconue-
niences
of bring-
ing stra-
gers into
England.

force them to the forme of English subiection, as no doubt but in tyme he would.

And seing the greatest vtility that in this case by reason and probability can be hoped for by this vnion, is that the Scottish nation should come to be aduanced in Inglād, and to be made of the nobility both temporal and spiritual, & of the priuy counsell, and of other lyke dignities of credit and confidence (for otherwise no vnion or an itie durable can be hoped for) and considering that the king, both for his owne safetie (as before hath bin said) as also for gratitude and loue to his owne nation, and allied friends, must needs plant them about him, in chiefe place of credit, vvhich are most opposite to English natures, and by litle & litle through occasion of emulations and of controuersies, that vvil fall out daylie betwixt such diuersity of nations, he must needes secretlie begin to fauour and fortifie his owne, as we reade that William Conqueror did his Normannes, and Canutus before him his Danes, to the incredible calamity of the English nation (though otherwise neither of them vvas of themselves either an euil king, or enemye to the English blood (but driue hereunto for their owne fastie) and for that it vvas impossible to stand neutral in such national contentions: if al this (I say) fel out so then, as vve know it did, and our ancestors felt it to their extreme ruine, what other effect can be hoped for now, by this violent vnion

A consideration
of importance.

Polydot.
hist. Ang.
l. 8. & 9.

Union of nations, that are by nature so disunited and opposite, as are the English, Scottish, Irish, Danish, French & other on them depending, which by this meanes must needs be planted together in England.

And if we reade, that the whole realme of Spayne did refuse to admitt S. Lewis king of France, to be their king in Spayne (to whom yet by law of succession it was euident, & confessed by the Spaniards themselves, as their chronicler Garibay writeth, that the right most clearly dyd appertayne by his mother lady Blanch eldest daughter and heyre of K. Alonso the ninth) and that they dyd this only for that he was a Frenchman, and might thereby bring the french to haue chiefe authority in Spayne: and if for this cause they did agree together, to giue the kingdome rather to Ferdinando the third that was sonne of Lady Berenguela, younger sister to the said lady Blanch, and if this determination was thought at that tyme to be wise and prouident (though against al right of lineal succession) and if we see that it had good successe, for that it indureth vnto this day: what shal we say in this case (say these men) where the king in question is not yet a S. Lewis, nor his title to England so cleere, as that other was to Spayne, and the auersion betwixt his nation and ours, much greater then was that betwixt the french and Spanish, thus they do reason.

Agayne we heard out of the discourse made by the Ciuilian before, how the states of Por-

Example
of Spaine.

Garibay
l. 20 c 42.
An Dñi
1207.

Example
out of
Portugal

Garibay
l. 34. c. 38.
An. Dñi
1383.

tugal after the death of their king *Don Ferdinand* do the first of that name, vvhho left one only daughter and heyre named lady Beattix married vnto Iohn the first king of Castile, to whō the succession of Portugal vvithout al controuersie did apertaine, they rather determyned to chose for their king a bastard brother, of the sayd *Don Fernando*, named Iohn, then to admitt the true inheretor Beatrix vvith the gouernment of the Castilians, by vvhom yet (they being much the richer people) the Portugals might hope to reape far greater vtility then English men can do by Scotland, considering it is the poorer country and nation. And this is that in effect which these men do answere in this behalfe, noting also by the way, that the Romans themselues vvith al their power, could neuer bring vnion or peace betweene thease two nations of Ingland & Scotlande, nor hold the Scots and North-Irish in obedience of any authority residing in Ingland, and so in the end they vvere enforced to cut them of, & to make that famous walle begun by Adrian, and pursued by other Emperours to diuide them from Inglād, and barre them from ioyning, as al the vvorld knoweth, and much lesse shal any one king liuing in Ingland now, hold them al in obedience, let him be of vvhat nation, he vvil, and this for the vtility that may be hoped by this vnion.

Storv. pa.
54. 59. 95.
76.

But now for the other pointe alleaged by the fauourers of Scotland, about establis hment
of true

of true religion, in England, by entrance of this king of Scots, these other men do hold that this is the worst and most dangerous pointe of all other, considering what the state of religion is in Scotland at this day, and how different or rather opposite to that forme which in England is mainteyned, and when the Archbishops, bishops, deanes archdeacons, and other such of ecclesiastical and honorable dignities of England, shal consider that no such dignity or promotion is left now standing in Scotland, no nor any cathedral or collegiate church is remaind on foote, with the rents and dignities therunto apperteyning, and when our nobility shal remember how the nobilitie of Scotland is subiect at this day to a few ordinary and common ministers, without any head, who in their synodes and assemblies haue authority to put to the horne, and drive out of the realme any noble man whatsoeuer, without remedy or redresse, except he will yeald and humble himselfe to them, and that the king himselfe standeth in awe of this exorbitant and populer power of his ministers, and is content to yeld therunto: it is to be thought (say these men) that few English be they of what religion or opinion so-euer, will shew themselves forward to receaue such a King, in respect of his religion, that hath no better order in his owne at home, and thus much concerning the King of Scotland.

Of the religion of Scotland.

Of the
title of
lady Ar-
bella.

Now then it remaineth, that we come to treat of the lady Arbella, second branch of the house of Scotlād, touching whose title, though much of that vvhich hath bin said before, for or against the king of Scotland, may also be vnderstoode to apparteine vnto her, for that she is of the same house, yet shal I in this place repeat in few wordes the principal points that are alleaged in her behalfe or prejudice.

1.

First of al then, is alleaged for her, and by her fauourers, that she is descended of the foresaid lady Margaret, eldest daughter of king Henry the seuenth, by her second marriage vvith Archibald Duglas earle of Anguys, and that she is in the third degree only from her, for that she is the daughter of Charles Steward vvho was sonne to Margaret Countesse of Lenox, daughter to the said lady Margaret Queene of Scots, so as this lady Arbella is but neece once remoued, vnto the said Queene Margaret, to vvith inequal degree of discent vvith the king of Scots, vvvhich king being excluded (as the fauorers of this vvoman do affirme) by the causes and arguments before alleaged against hym, no reason (say they) but that this lady should enter in his place, as next in blood vnto him.

2.

An In-
glis
vvoman.

Secondly is alleaged in her behalfe, that she as an English vvoman, borne in England, and of parents vvho at the tyme of her birth vvore of English alleageance, vvherin she goeth before the king of Scots, as hath bin seene, as also in this other principal pointe, that by her admission,

mission no such inconuenience can be feared of bringing in strangers, or causing troubles & sedition vvith-in the realme, as in the pretence of the Scotish king hath bin considered, and this in effect is al that I haue heard alleaged for her.

But against her, by other competitors and their frendes, I haue hard diuers arguments of no smale importance and consideration produced, vvherof the first is, that vvwhich before hath bin alleaged against the king of Scotlād in like māner, to wit, that neither of them is properly of the house of Lancaster, as in the genealogie set downe in the third chapter hath appeared.

And secondly that the title of Lācaster is before the pretence of Yorke, as hath bin proued in the fourth chapter, vvherof is inferred, that neyther the king of Scots nor Arbella, are next in successiō, and for that of these two propositiōs, ther hath bin much treated before, I remitte me therunto, only promising that of the first of the two, vvwhich is how king Henry the seuēth vvas of the house of Lancaster, touching right of succession, I shal handle more particularly afterward vvhen I come to speake of the house of Portugal, vvherby also shal appeare playnly vvhat pretence of succession to the crowne or duchy of Lancaster the discendentes of the said king Henry can iustely make.

The second impediment, against the lady Arbella is the aforesaid testament of king Henry the eight and the two acts of parlaments for

Against
Arbella.

1.
Not of
the house
of Lan-
caster.

2.
The testa-
ment of
king Hē-
ry.

authorising of the same, by al vvhich is pretended that the house of Suffolke, is preferred before this other of Scotland.

3.
The countesse of darby neerer by a degree.

A third argument is, for that there is yet liuing one of the house of Suffolk, that is neerer by a degree to the stemme, to vvith, to Héry the seuenth to vvhom after the discease of her Maiesty that now is, we must retorne, then is the lady Arbella or the king of Scots, and this is the lady Margeret countesse of Darby, mother to the present earle of Darby vvho was daughter to lady Elenor, daughter of Queene Mary of France, that vvas second daughter of king Henry the seueth, so as this lady Margaret countesse of Darby, is but in the third degree from the said Henry, wheras both the king of Scotland and Arbella are in the fourth, and consequently she is next in propinquitie of blood, & how greatly this propinquity hath bin fauoured in such cases, though they vv ere of the yonger liine, the examples before alleaged in the fourth chapter do make manifest.

Illegitimation by bastardy.

Fourthlie and lastely, and most strongly of al, they do argue against the title of this lady Arbella, affirming that her discent is not free from bastardy, vv hich they proue first, for that Queene Margaret soone after the death of her first husband king Iames the fourth married secretly one Steward lord of Annerdale, which Steward, vvas alyue longe after her marriage vvith Douglas, and consequently this second marriage vvith Douglas (Steward being alieue) could

could not be lawfull, vvhich they do proue also by another meane, for that they saie it is most certaine, and to be made euident, that the said Archibald Douglas earle of Angus had an other vvife also aliue, vvhen he married the said Queene, vvch points they say vvcre so publique as they came to king Henties cares, vvhervvpon, he sent into Scotland the lord William Howard, brother to the old duke of Norfolke, and father to the present lord Admiral of England, to enquire of these pointes, and the said lord Howard founde them to be true, and so he reported not only to the king, but also aftervvards many tymes to others, and namely to Queene Mary to vvhom he vvvas lord Chamberlayne, and to diuers others, of vvhom many be yet liuing, which can and will testify the same, vvpon the relation they heard from the-sayd lord Williams owne mouthe, vvheruppon king Henry vvvas greatly offended, and would haue letted the marriage betweene his said sister and Douglas, but that they were married in secret, and had consummate their marriage, before this was knowne, or that the thing could be preuented, vvch is thought, vvvas one especial cause and motiue also to the said king afterward, to put back the issue of his said sister of Scotland, as by his fornamed testament is pretended, and this touching Arbellas title by propinquirie of byrthe.

The testi-
monic of
the lord
VWilliam
howard.

But besides this, the same men do alleage di-
uers reasons also of inconuenience in respect

Other
reasons of
state
against
Arbella.

of the common vvealthe, for vvhich in their opinions it should be hurtful to the realme to admitt this lady Arbella for Queene, as first of al for that she is a vvoman, vvho ought not to be preferred, before so many men as at this tyme do or may stand for the crowne: and that it vv ere much to haue three women to reigne in England one after the other, vvher-as in the space of a-boue a thousand yeares before them, there hath not reigned so many of that sexe, neither together nor a sunder, for that from king Cerdick first king of the vvest Saxons, vnto Egbricht the first monarch of the English name and nation, conteyning the space of more then 300. yeares, no one vvomā at al is founde to haue reigned, and from Egbricht to the Conquest, which is almost other 300. yeares, the like is to be obserued, and from the conquest downeward, vvhich is about 500. yeares, one only vvoman was admitted for inheritrix, vvhich was Maude the Empreffe, daughter of king Henry the first, vvho yet after her fathers death vv as put back, and king Stephen vv as admitted in her place, and she neuer receaued by the realme, vntil her sonne Henry the second vv as of age to gouerne himselfe, & then he vv as receaued vvith expresse condition, that he should be crowned, and gouerne by himselfe, and not his mother, which very conditiō vv as put also by the spaniards not long after, at their admitting of the lady Berenguela yonger sister of lady Blauch neese to king Henry the second,

Gouer-
ment if
vvomen.

Polyd. l. 12

cond, vvherof before often mention hath bin made, to vvith the condition vvas, that her sonne Fernado should gouerne, and not she, though his title came by her, so as this circumstance of being a woman, hath euer bin of much consideration, especially where men do pretend also as in our case they doe.

An other consideration of these men is, that if this lady, should be aduanced vnto the crowne, though she be of noble blood by her fathers side, yet in respect of alliance with the nobility of England she is a meere strainger, for that her kyndred is only in Scotland, and in Ingland she hath only the Candishes by her mothers side, vvho being but a meane familie, might cause much grudging amōg the English nobility, to see them so greatly aduanced aboue the rest, as necessarily they must be, yf this womā of their lineage should come to be Queene, vvwhich how the nobility of England vvould beare, is hard to say, and this is as much as I haue heard others saye of this matter, and of al the house of Scotland: vvheifore vvith this I shal end, and passe ouer to treat also of the other houses that do remayne of such as before I named.

Garibay
li. 12. c. 42

OF THE

OF THE HOUSE OF
SUFFOLK CONTEYNING THE
CLAYMES OF THE COUNTESSSE OF
*Darby and her children, as also of the children
of the earle of Hartford.*

CAP. VI.

IT hath appeared by the genealogie set downe before in the third chapter, and oftentimes mentioned since, how that the house of Suffolk is so called, for that the lady Mary secōd daughter of king Henry the seueneth, being first married to Lewis the 12. king of France, vvas afterward married to Charles Brandon duke of Suffolke, who being sent ouer to condole the death of the said king, gat the good will to marry the widow Queene, though the common fame of al men vvas; that the said Charles had a vvife lyuing at that day, and diuers yeares after, as in this chapter vve shal examine more in particuler.

By this Charles Brandon then duke of Suffolk, this Queene Mary of France had tvvo daughters, first the lady Francis, married to Syr Henry Gray marques Dorset, and aftervvard in the right of his vvife, duke also of Suffolke, vvho vvas afterward be-hedded by Queene Mary, and secondly lady Elenor married to Syr Henry Clifford earle of Cumberland.

The lady Francis elder daughter of the Queene and of Charles Brandon, had issue by her

The issue
of Charles
Brandon.

Issue of
lady Francis.

her husband the said last duke of Suffolke, three daughters, to wit, Iane, Catherin, and Mary, which Mary the yongest vvas betrothed first to Arthur lord Gray of wilton, and after lesie by hym, she was marryed to one M. Martin keyes of kent, gentlemā porter of the Queenes householde, and after she dyed without issue.

Stovv.an.
7.Edon. 6

And the lady Iane the eldest of the three sisters was married at the same tyme to the lord Guylford Dudley, fourth sonne to Syr Iohn Dudley duke of Northumberland, and vvas proclaymed Queene after the death of king Edward, for which acte al three of the, to vvin, both the father, sonne and daughter in law, were put to death soone after.

But the L. Catherin the second daughter, vvas married first vppon the same day that the other two her sisters vvere, vnto lord Henry Herbert now earle of Penbroke, and vppon the fall and misery of her house, she was left by him, and so she liued a sole vvoman for diuers yeares, vntil in the begining of this Queenes dayes, she was found to be vvith child, which she affirmed to be by the lord Edward Seymer earle of Hartford, vvho at that tyme was in France, vvith Syr Nicholas Throgmorton the Embassador, and had purpose and licence to haue trauailed into Italie, but being called home in haste vppō this new accident, he cōfessed that the child vvas his, and both he and the lady affirmed that they were man and vvife, but for that they could not proue it by witnesses, & for

The issue
of the L.
Catherin.

for attempting such a match with one of the blood royal, without priuity and licence of the prince, they were committed both of them to the tower, vvhether they procured meanes to meete againe afterward, & had an other childe, vvhich both children do yet liue, and the elder of them is called lord Henry Beacham, and the other Edward Seymer, the mother of whom liued not long after, nether married the earle againe, vntil of late that he married the lady Francis Howard, sister to the lady Sheffeld, and this is all the issue of the elder daughter of Charles Brandon, by lady Mary Queene of France.

The issue
of L. Ele-
anor.

The second daughter of duke Charles and the Queene, named L. Elenor, vvas married to Henry lord Cliford earle of Cumberland, and had by him a daughter named Margaret, that married Syr Hery Stanley, lord Strage & after earle of Darby, by vvhom the said lady (who yet liueth) hath had issue *Fernande Stanley*, now earle of Darby, William and Francis Stanley, & this is the issue of the house of Suffolk, to vvith, this Countesse of Darby, with her children, and these other of the earle of Hartford, of al whose claymes and titles vvith their impediments, I shal here briefly giue accompt and reason.

First of al, both of these families do ioyne together in this one pointe, to exclude the house of Scotland both by foraine birth, and by the foresaid testament of king Henry authorized by two parlaments, & by the other exclusions
which

which in each of the titles of the king of Scots and of lady Arbella hath bin before alleaged. But then secondly they come to vary betweene themselves, about the priority or propinquitie of their owne succession, for the children of the earle of Hartford, and their frendes do allage, that they do discend of lady Francis the elder sister of lady Elenor, and so by law and reason are to be preferred, but the other house alleageth against this, two impediments, the one, that the lady Margaret countesse of Darby now lyuing, is neerer by one degree to the stemme, that is to king Henry the tenth, then are the children of the earle of Hartford, and consequently according to that which in the former fourth chapter hath bin declared, she is to be preferred, albeit the children of the said earle were legitimate.

Allegations of the houses of Darby & hartford the one against the other.

Charles Brandon had a wyfe a lyue.

Secondly they do affirme, that the said children of the earle of Hartford by the lady Catherin Gray, many waies are illegitimate. First for that the said lady Catherin Gray their mother was lawfully married before to the earle of Penbrok now liuing, as hath bin touched, and publike recordes do testifie, and not lawfully seperated nor by lawful authority, nor for iust causes, but only for temporal and wordly respects, for that the house of Suffolk was come into misery & disgrace, vvhherby she remayned stil his true wifc in deede and before God, & so could haue no lawful children by an other whiles he liued as yet he doth.

First bastardie against the issue of hartford.

Storv in vita Edward. An. 1553.

2. Bastardie.

Agayne they proue the illegitimatiō of these children of the earle of Hartford, for that it could neuer be lawfully proued that the said earle and the lady Catherin were married, but only by their owne assertions, vvhich in law is not holden sufficient, for which occasion the said pretended marriage vvas disanulled in the court of arches, by publike & definitiue sentence, of Doctor Parker archbishop of Canterbury, and prymate of England, not long after the birth of the said children.

3. Bastardie.

Further-more they do add yet an other bastardy also, in the birth of lady Catherin herselfe, for that her father lord Henry Gray marques of Docset, was knowne to haue a lawful wife aliue vvhē he married the lady Francis, daughter and heyre of the Queene of France, & of Charles Brandon duke of Suffolke, and mother of this lady Catherin, for obteyning of which great marriage, the said marques, put away his foresaid lawful vvife, vvhich was sister to the L. Henry Fytzallen earle of Arondel, vvhich disorder was occasion of much vnkindnes and hatred betweene the said marques and earle euer after. But the power of the marques and fauour vvith king Henry in womens matters, vvas so great at that tyme, as the earle could haue no remedie, but only that his said sister vvho liued many yeares after, had an annuitye out of the said marques lands during her life, & liued some yeares after the said marques (after-

(aftervvards made duke)vvas put to death in Queene Maries tyme.

These then are three waies, by vvhich the family of Darby do argue the issue of Hartford to be illegitimate, but the other two houses of Scotland and Clarence, do vrge a former ba-
The fourth bastardy common to both families of Suffolk.
 stardy also that is common to them both, to wit, both against the lady Francis and the lady Eleanor, for that the lord Charles Brandon also duke of Suffolk had a wife a liue, as before hath bin signified, when he married the lady Mary Queene of France, by vvhich former wife he had issue the lady Powyse (I meane the vvife of my lord Powyse of Poystlandes in VVales)& how long after the new marriage of her husband Charles Brandon, this former vvife did liue, I cannot set downe distinctly, though I think it were not hard to take particuler information therof in England, by the register of the church wherin she vvas buried, but the frēdes of the countesse of Darby do affirme, that she died before the birth of L. Eleanor the second daughter, though after the birthe of lady Francis, and thereby they do seeke to cleare the familie of Darby of this bastardye, and to lay al foure vppon the children of Hartford before mentioned, but this is easy to be knowne & verified by the meanes before signified.

But now the frendes of Hartford do answere to al these bastardies, that for the first two pretended by the marriages of the two dukes of Suffolk, they saye that either the causes might
The answer of those of hartford to the foresaid bastardies:
 be such

be such, as their deuorces with their former wiues might be lawful, and proue them no marriages, and so giue them place to marrie againe, or els that the said former wiues dyd dye before these dukes that had bin their husbands, so as by a post-contract and second new consent, giuen betweene the parties vwhen they vv ere now free, the said later marriages vv hich vv ere not good at the begining, might come to be lawful aftervv ards, according as the law permit- teth, notwithstanding that children begotten in suche pretended marriages where one partye is alredy bounde, are not made legitimat, by subsequent trew marriage of their parentes, & this for the first two bastardies.

But as for the third illegitimation, of the contract betweene the lady Catherin and the earle of Hartford, by reason of a precontract made betweene the said lady Catherin and the earle of Penbroke, that now liueth, they saye and affirme, that precontract to haue bin dissolved afterward lawfully and iudicially, in the tyme of Queene Mary.

There remayneth then only the fourth obiection, about the secret marriage made betweene the said lady Catherin and the earle of Hartford, before the birth of their eldest sonne, now called L. Beacham, vv hich to say the truth seemeth the hardest pointe to be answered, for albeit in the sight of God, that marriage might be good and lawful, if before their carnal knowledge, they gaue mutual consent the one to the

Of the
marriage
between
the earle
of hart-
ford and
the L. Ca-
therin
Gray.

to the other, to be man and vvife, and vvith that mynde and intention had carnal copulation, vvhich thing is also allowed by the late council of Trent it selfe, which disanulleth otherwise al clandestine and secret contracts in such states and countries, vvher the authoritie of the said council is receaved, and admitted, yet to iustifie these kide of marriages in the face of the church, and to make the issue therof legitimate and inheritable to estates and possessions: it is necessary by al law, and in al nations, that there should be some vvitnes to testifie this consent and contract of the parties before their carnal knowledge, for that otherwise it should lye in euery particuler mans hand, to legitimate any bastard of his, by his only woord, to the prejudice of others that might in equitie of succession pretend to be his heyres, and therefore (no doubt) but that the Archbishop of Canterbury had great reason to pronounce this contract of the lady Catherin, and the earle of Hartford to be insufficient and vnlawful, though themselues did affirme that they had giuen mutual consent before, of being man & vvife, and that they came together, *animo maritali*, as the law of wedlock requireth, but yet for that they were not able to proue their said former consent, by lawful vvitnesses, their saide coniunction was rightly pronounced vnlawful, and so I conclude that the first sonne of these two parties, might be legitimate before God, and yet illegitimate before men, and

Concil.
Trid.
Sess. 24.
cap. 1.

consequently incapable of al such succession,
as otherwise he might pretend by his said mother.

Howv the
second
sonne of
the earle
of hart-
ford may
be legiti-
mate.

And this now is for the first begotten of these two persons, for as touching the second childe, begotten in the tower of London, diuers learned men are of opinion that he may be freed of this bastardy, for that both the earle and the lady being examined vppon their first child, did confesse and affirme that they vvere man and wife, and that they had meaning so to be, and to continew, vvhich confession is thought to be sufficient, both for ratifying of their old cōtract, and also for making of a new yf the other had not bin made before. And seeing that in the other former pretended contract and marriage, their wanted nothing for iustifying the same before men, and for making it good in law, but only external testimony of witnesses, for prouing that they gaue such mutual consent of myndes before their carnal knowledge (for the presence of priest or minister is not absolutely necessary) no man can say that their wanted witnesses for testifying of this consent, before the second copulation, by vvhich vvas begotten their second sonne, for that both the *Queene* herselfe and her counsel, and as many besides as examined these parties vppon their first acte and child birth, are vvitnesses vnto them, that they gaue their full consents and approbations, to be man & vvife, vvhich they ratified afterward in the tower by
the

the begetting of their second child, and so for the reasons afore-said, he must needes seeme to be legitimate, vvhatsoeuer my lord of Canterbury for that tyme or in respect of the great offence, taken by the estate against that act, did, or might determyne to the contrary.

And this is the somme of that which commonly is treated, about these two families of the house of Suffolk, to wit of Hartford and Darby, both vvhich families of Suffolke, the other two opposite houses of Scotland and Clarence, do seeke to exclude by the first bastardy, or vnlawful contract betweene the Queene of France and duke Charles Brandon, as hath bin seene: of which bastardye the house of Darby doth indeuour to auoide it selfe, in manner as before hath bin declared, and preferreth it selfe in degree of propinquity not only before the foresaid two houses of Scotland and Clarence, but also before this other part of the house of Suffolke, I meane the familie of Hartford, though descended of the elder daughter, for that the countesse of Darby doth hold her selfe one degree neerer in descent, then are the other pretenders of Hartford as hath bin shewed. And albeit their vvant not many obiections and reasons of some, against this pretence of the house of Darby, besides that which I haue touched before, yet for that they are for the most part parsonal impediments, and do not touch the right or substance of the title, or any other impor-

Allegations of the house of Darby.

tant reason of state concerning the common
vvealth; but only the mislike of the persons
that pretende, and of their life and gouernment,
I shal omitt them in this place, for that as in
the begining I promised, so shal I obserue as
much as lieth in me, to vtter nothing in this
conference of ours that may iustly offend, and
much lesse touch the honor or reputation of
any one person of the blood royal of our re-
alme, vwhen the tyme of admitting or exclu-
ding cometh, then vvil the realme consider as
vvel of their persons as of their rightes, and vvil
see, vwhat accompt and satisfaction ech person
hath giuen of his former life and doings, and
according to that vvil proceede, as is to be
supposed: but to me in this place, it shalbe
enough to treat of the first pointe, vvhich is of
the right and interest pretended by vway of suc-
cession, and so vvith this I shal make an ende
of these families, and passe ouer to others
that yet do remayne.

OF THE

OF THE HOUSES OF
CLARENCE AND BRITANIE,
WHICH CONTEYNE THE CLAYMES OF
*the earle of Huntington, with the Pooles, as also
of the lady Infanta of Spayne, and others
of those families.*

CAP. VII.

HAVING declared the claymes, rightes
and pretences, which the two noble hou-
ses of Scotland and Suffolke, descended of the
two daughters of king Héry the seventh, haue
or may haue to the succession of England, with
intention afterward to handle the house of
Portugal a part, vvhich pretendeth to compre-
hend in it selfe the whole body, or at least the
first and principall branch of the ancient house
of Lancaster, it shal not be amisse, perhaps by
the way, to treaté in this one chapter, so much
as appertayneth to the two seuerall houses of
Clarence and Britanie, for that there is lesse to
be said about them then of the other.

And first of al, I am of opinion, that the earle
of Huntington, and such other pretendors as
are of the house of Yorke alone, before the con-
iunction of both houses by king Henry the
seventh, may be named to be of the house of
Clarence and so for distinction sake, I do name
them, for not to confound them vvith the hou-
ses of Scotland and Suffolke, which are termed
also by the Lancastrians to be of the house of

vvhý the
earle of
Hunting-
tons house
is said to
be of the
house of
Clarence.

Yorke alone, for that they deny them to be of the true house of Lancaster, but principally I do name them to be of the house of Clarence, for that in deed al their clayme and title to the crowne, doth discende from George duke of Clarence, as before in the third chapter and other vvhether hath bin declared, which duke George being brother to king Edward the fourth, and put to death by his order, left issue Edward earle of Warwick and of Salisbury, vvhich vvas put to death by king Henry the seventh in his youth, and Margaret countesse of Salisbury, which Margaret had issue by Syr Richard Poole, Henry Poole lord Montague, afterward behedded, and he agayne Catherin, married to Syr Francis Hastings earle of Huntington, by whom she had Sir Henry Hastings, now earle of Huntington, Syr George Hastings his brother yet liuinge, & others, so as the earle of Huntington vvith his said bretheren be in the fourth degree from the said George duke of Clarence, to wit his nephewes twice remo-
ued.

Issue of
the house
of Cla-
rence.

The saide Margaret countesse of Salisbury had a yonger sonne also, named Syr Geffrey Poole, vvho had issue an other Geffrey, and this Geffrey hath two sonnes that liue at this day in Italie, named Arthur and Geffrey, vvho be in the same degree of distance, with the saide earle of Huntington, sauing that some alleage for them, that they do discend al by male kinde from Margaret, and the earle pretendeth by
a Woman,

Issue of
S. Geffrey
Poole.

a Woman, vvherof vve shal speake after-ward.

Hereby then it is made manifest, how the earle of Huntingtō commeth to pretend to the crowne of England, by the house of York only, vvvhich is no other in deede, but by the debarring and disabling of al other former pretēdors, not only of Portugal, and of Britanie, as strangers, but also of the houses of Scotland & Suffolke, that hold likewise of the house of Yorke, and that for the reasons and argumēts vvvhich in the former two chapters I haue set downe in particuler, against euery one of them, and shal here-after also againe those that remaine, vvvhich arguments and obiections, or any of them, if they should not be founde sufficient, to exclude the said other houses, then is the clayme of this house of Huntington therby made voide, for that it is (as vve see) by the yonger childe of the house of Yorke, that is to saye, by the second brother: so as if either the pretence of Lancaster in general be better thē that of Yorke, or if in the house of Yorke it selfe, any of the fornamed pretenders descended frō K. Edward the fourth as of the elder brother, may hold or take place, then holdeth not this title of Clarence, for that (as I haue said) it cōming from the yonger brother, must needes be grounded only, or principally vppō the barring and excluding of the rest, that ioyntly do pretēd: of which barres and exclusions laid by this house of Clarence against the rest, for that I

The inter-
rest pretē-
ce of the
earle of
Hunting-
ton.

haue spoken sufficiently in the last two chapters, going before, for so much as toucheth the two houses of Scotland and Suffolk, and shal do afterwards about the other two of Britanie and Portugal, I meane in this place to omit to say any more therin, & only to consider vvhhat the other competitors do alleage against this house of Clarence, and especially agaynst the pretence of the earle of Huntington, as chiefe titler therof, for to the excluding of him, do concurr not only those other of opposite houses, but also the Pooles of his owne house, as now we shall see.

Obiectiōs
against
the earle
of Hun-
tington.
1.

First then, the contrary houses do alleage generally against al this house of Clarence, that seing their clayme is founded only vppon the right of the daughter of George duke of Clarence, second brother to K. Edward the fourth, euident it is, that so long as any lawful issue remayneth of any elder daughter, of the said king Edward the elder brother (as they say much doth and cannot be denyed) no clayme or pretence of the yonger brothers daughter, can be admitted, and so by standing vppon this, and answering to the obiections alleaged before, against the elder houses, they hold this matter for very cleere, and al pretence of this house of Clarence vitterly excluded.

2.
Attain-
ders in
the house
of Hun-
tington.

Secondly the same opposite houses do alleage diuers attainders against the principal heades of the house of Clarence, vvhether by their vyhole interests were cut of, as namely it is to be she-

be shewed in three discents, the one after the
 other, to vvit in duke George himselfe, the first
 head & beginner of this house, that was attainted
 and executed, and then in the lady Margaret
 his daughter and heyre, countesse of Salisbury,
 and in like manner attaynted and executed:
 thirdly in her sonne and heyre Henry Poole
 lord Monrague put also to death, from vvwhose
 daughters both the earle of Huntington & his
 brethren, vvith the children of Syr Thomas
 Barrington do descende, and albeit some may
 say, that the said house of Clarence hath bin
 since those attainders, restored in blood, yet re-
 ply these men, that except it can be shewed
 that particuler mention was made of reabili-
 ting the same to this pretence of succession to
 the crowne, it vvil not be sufficient, as in like
 manner they affirme, that the same restoring in
 blood (if any such were) hath not bin sufficiēt
 to recover the ancient landes and titles of ho-
 nor, which this house of Clarence had before
 these attainders, for that they were forfeited
 therby to the crowne, and so say these men was
 their forfeited therby in like manner vnto the
 next in blood not attainted, this prerogative of
 succeeding to the crowne, and cannot be re-
 stored againe by any general restauration in
 blood, except special mention be made therof,
 euen as vve see, that many houses attainted are
 restored daylie in blood, without restoremēt of
 their titles and dignities, and a present example
 we haue in the earle of Arundel restored in
 blood

Restitu-
 tion may
 be in
 blood
 vvithout
 restitutio
 of digni-
 tie.

blood but not to the title of duke of Norfolke, and this saye the opposite houses against this house of Clarence.

The pre-
sence of
the Pooles
against
Hunting-
ton.

But now thirdly entreth in also against the earle of Huntington, the opposition of some of his owne house, vvhich is of the issue of Syr Geffrey Poole, brother to his grād father, vvho say, that vvhen the lord Henry Montague vvvas put to death vvith his mother the countesse of Salisbury, and therby both their pretences and titles cut of in them, then fel al such right as they had or might haue, vppō the said Sir Geffry Poole, and not vppon his neece the lady Catherin daughter of the lord Henry his elder brother, and mother of the earle of Huntingtō, and this for three causes. First for that he was not attainted, and so vvwhether we respect his grand-father duke George of Clarence, or his great grand father duke Richard of York, the saide right in this respect discended to him, and secondly for that he vvvas a degree neerer to the said dukes his ancestors, then vvvas at that tyme his neece Catherine, vvwhich right of neerest propinquitie, say these men, is made good & lawfull by al the reasons, examples, presidēts, and authorities alleaged before in the fourth chapter of this conference, in fauour of vncles before their nephewes, and it shal not neede that vve speake any thing more of that matter in this place, but only to remit your remembrance to that vvwhich herein hath bin said before.

Fourthly

Fourthly they proue the same in fauour of Syr Geffrey, for that the lady Catherin vvas a vvoman, and Syr Geffrey a man, vvwhose priuilege is so great in a matter of succession (as also hath bin touched before) that albeit they had bin in equal degree, and that Syr Geffrey were not a degree before her as he vvas, yet seing neither of the nor their fathers vvvere euer in possession of the thing pretended, Sir Geffrey should be preferred, as hath bin shewed before by some presidents, and shalbe seene aftervvard in the case of Portugal, wherein the king of Spaine that now is vvas preferred to the crowne, for that respect only that his competitors vvwere vvomen, and in equal degree of discent vvith him; and he a man. And the very like allegation of propinquitie, I haue hard produced for the lady Wenefred vvife of Syr Thomas Barrington (if she be yet a-liue) to wit, that she is before the earle of Huntington and his brethre, by this reason of propinquitie in bloode, for that she is one degree neerer, to the stock then they.

Fiftly and lastely, both these and other competitors do alleage against the earle of Huntington as an important and sufficient barr against his pretence, the qualitie of his religion, vvwhich is (as they say) that he hath bin euer knowne to fauour those which commonly in Ingland are called *Puritanes*, and not fauoured by the state, but yet this stoppe is alleaged diuersly by competitors of diuers religions: for that such as are
Obiectio
of Reli-
gion.
 followers

followers and fauoures of the forme of religion receaued and defended by publique authoritie of England at this daye, vvhom for distinction sake, men are vvont to call by the name of *moderate protestants*, these (I saye) do vrge this exclusion against the earle of Huntington, not vppō any certaine law or statute, extant against the same, but *ab aqno & bono*, as men are vvont to say, and by reason of state, shewing infinite inconueniences hurts damages and dangers, that must needs ensue, not only to the state present of religion in Ingland, but also to the whole realme and body politike, if such a man should be admitted to gouerne. And this consideration of state in their opinion is a more forceable argument for excluding such a man, then any statute or particuler law against him could be, for that this comprehendeth the very intention, meaning, and drift of al lawes and lawmakers of our realme, vvwhose intētions must needs be presumed to haue bin in al tymes, to haue excluded so great and manifest incoueniencies, & thus say they.

But now, those that are of the Roman religion, and contrary both to puritan and protestant do vrge a great deale further this argument, against the earle, and do alleage many lawes, ordinances, decrees, and statutes both of the Canon and imperial lawes, as also out of the old lawes of England, vvwhich in their opinion, do debarr al that are not of their religion, and consequently, they would hereby exclude
both

both the one and the other of these pretendēts. And in fine they do conclude, that seing their vvanteth not also some of their owne religion (called by them the Catholique) in the house of Clarence, they haue so much the lesse difficultie to exclude the earle of Huntingtons person for his religion, if one of that house were to be admitted of necessitie.

And this is so much as seemeth needful to be spoken at this tyme and in this place, of this house of Clarēce, and of the pretenders therof. It resteth then that I treat something also of the house of Britanie and France, which two houses are ioyned al in one, for so much as may apperteyne to any inheritance or pretence to England, or vnto any parcel or particuler state therof, at home or abroad, that may follow the succession or right of women, vvwhich the kingdome of Frāce in it self doth not, as is knowne, and consequently a vvoman may be heire to the one vvithout the other, that is to say, she maye be heyre to some particuler states of France inheritable by women, though not to the crowne it selfe, and so do pretende to be the two daughters of Frāce, that were sisters to the late king Hēry the third, vvwhich daughters were married, the one to the king of Spaine that now is, by vvhom he had issue, the Infanta of Spayne yet vnmarried, and heryonger sister married to the duke of Sauoy, and the other to vvitt the younger daughter of the king of France, vvwas married to the duke of Loraine, yet liuing, by vvhom

The
house of
Britanie.

whom she had the prince of Lorayne, & other children that live at this day.

The
course of
inheritance
in the
crown
of France.

This then being so cleere as it is, first, that according to the common course of succession in England, and other countries, and according to the course of all common law, the Infanta of Spaine, should inherite the whole kingdome of France, and al other states therunto belonging, she being the daughter and heyre of the eldest daughter of king Henry the second king of France, whose issue male of the direct line, is wholly now ended, but yet for that the French, do pretend their law Salik to exclude vvomen, (which we English haue euer denied to be good vntil now) hereby commeth it to passe, that the king of Nauarr pretendeth to enter, & to be preferred before the said Infanta or her sisterschildren, though male, by a collateral line. But yet her fauourers say, I meane those of the Infanta, that from the dukedomes of Britanie, Aquitaine, and the like, that came to the crowne of France by women, and are inheritable by womē, she cannot be in right debarred, as neyther from any succession or pretence in England, if either by the blood royal of France, Britanie, Aquitaine or of England it selfe, it may be proued that she hath any interest therunto, as her said fauourers do affirme that she hath, by these reasons following.

First pre-
sence of
the Infan-
ta to En-
gland.

First, for that she is of the ancient blood royal of England, euen from the conquest, by the elder daughter of William the conqueror married

married to Allayne Fergant duke of Britanie, as hath bin shewed before in the second chapter, and other places of this conference, and of this pointe they inferr two or three consequences. First that vwhen the sonnes of the Conqueror vvere dead without issue or made vncapable of the crowne (as it vvas presumed at least wise of king Henry the first, last sonne of the Conqueror, that he lost his right for the violence vsed to his elder brother Robert, and vnto William the said Roberts sonne & heyre) then say these men, ought the said duchesse of Britanie to haue entred as eldest sister. And secondly they say that when duke Robert that both by right of birth and by expresse agreement with William Rufus, and with the Realme of England, should haue succeded next after the said Rufus, came to dye in prison, the said lady Constance should haue succeded him, for that his brother Henry being culpable of his death, could not in right be his heyre. And thirdly they say that at least vwise after the death of the said king Henry the first, she and her sonne I meane lady Constance and Conan duke of Britanie, should haue entred before king Stephen, vwho was borne of Adela the yonger daughter, of William Conqueror.

1.

2.

Polydor.
in vita
Guliel.
Rufi.

3.

Secondly they do alleage, that the Infanta of Spayne descēdeth also lineally from lady Eleanor eldest daughter of king Henry the second, married to king Alonso the nynthe of that name king of Castile, vwhose eldest daughter & heyre,

Second
pretence
of the In-
fanta of
Spaine.

heyre named Blanch (for that their only sonne Henry dyed without issue) married vwith the prince Lewis the eight of France, vwho vvas father by her to king S. Lewis of France, and so hath continued the lyne of France vnto this day, & ioyned the same afterward to the howse of Britanie, as hath bin declared: so as the Infanta cometh to be heyre general of both those houses, that is, as wel of Britanie as of France, as hath bin shewed. And now by this her discent, from Queene Eleanor daughter of king Henry the second, her fauorers do founde diuers pretences and titles, not only to the states of Aquitaine, that came to her father by a woman, but also to England; in manner following: first for Aquitaine, they saye that it came to king Henry the secōd by his vvife Eleanor daughter of William duke of Aquitaine, as before in the secōd chapter at large hath bin declared, and for that the most part therof vvas lost afterward to the french in king Iohns tyme, that vvas fourth sonne to the aforesaid king Hēry, it vvas agreed betweene the said king Iohn and the French king Phillip, that al the states of Aquitaine already lost to the french, should be giuen in dowry vwith the said Blanch to be married to Lewis the eight then prince of France, and so they vv ere, and moreouer they do alleage, that not long after this, the same states vwith the residue that remayned in king Iohns handes, vv ere al adiudged to be forfeited, by the parliament of Paris, for the death of duke Arthur, &

confe-

Pretence
to Aquit-
taine.

Polydor
in vit.
Ioan, &
Garib in
vit. Al-
fons. 9.

consequētly did fal also vppon this lady Blāch, as next heyre capable of such succession vnto king Iohn, for that yet the said Iohn had no sonne at al, and for this cause and for that the said states are inheritable by women, and came by women, as hath bin often said, these men affirme that at this day they do by succession appartayne vnto the said lady Infanta of Spayne, and not to the crowne of France.

To the succession of England also, they make Pretences to Ingland by lady Blanch. pretence by way of the said lady Blanch married into France, and that in diuers manners.

First for that king Iohn of England by the murder of duke Arthur of Britanie his nephew, (which diuers authors do affirme as Stow also Stow in vit. Ioannis. witnesseth that it vvas done by king Iohns owne handes) he forfeited al his states, if his

right to them had bin neuer so good, and for that this murder happened in the fift yeare of his reigne, and foure yeates before his sonne Henry was borne, none vvas so neere to succede at that tyme, as was this lady Blanch married into france, for that she was daughter and heyte vnto king Iohns elder sister Eleanor, or rather the said Eleanor herselfe Queene of Spayne, should haue succeeded, for that she yet liued, and dyed not (as appeareth by Stephen Garribay chronicler of Spayne) vntil the yeare of Christ 1214. which vvas not vntil the 15. Garib. li. 12 c. 38. yeare of the reigne of king Iohn, and one yeare only before he dyed, so as he hauing yet no issue, when this murder vvas committed, and

leefing by this forfeit, al right he had in the kingdom of England it followeth, that the same should haue gone to his said sister, & by her to this lady Blanch her heyre, and eldest daughter, married into France as hath bin saide, which forfeit also of king Iohn, these men do confirme by his deprivation by the Pope that soone after ensued, as also by an other deprivation made by the Barrons of his realme, as after shalbe touched.

3.
Pretence
by Arthur
duke of
Britanie.

Further more they saye that when Arthur duke of Britanie (whom to this effect they do hold to haue bin the only true heyre at that tyme to the kingdom of England) vvas in prison in the castle of Roan, suspecting that he should be murthred by his said vnkle K. Iohn, he nominated this lady Blanch his cosen germanie, to be his heyre, perswading himselfe that she by the helpe of her husband prince Lewis of France, and her father the king of spaine, should be better able to defend and recouer his or her right, to the crowne of England then Eleanor his owne sister, should be, who vvas also in the handes of his said vnkle: for that he supposed that she also should be made away by him shortly after, as in deede the french chronicle affirmeth that she vvas: and howsoeuer this matter of duke Arthurs testament were; yet certaine it is, that vwhen he and his sister vvere put to death, the next in kynne, that could succede them in their right to England, vvas this lady Blanch, and her mother Queene Elenor,

Belforest
l. 3. cap. 71
hist. Fran.

Elenor, that was sister to Arthurs father, Geoffrey duke of Britanie. For that king Iohn their vncle was presumed by all men to be vncapable of their inheritance, by his putting of them to death, and child yet he had none, and this is the second pointe that these men do deduce for the lady Infanta of Spayne, by the title of Queene Eleanor and her daughter Blanch, to whom the Infanta is next heyre.

A third interest also the same men do deriue to the Infanta, by the actual deposition of king Iohn by the Barons and states of his Realme in the 16. yeare of his reigne, and by the election and actual admission of Lewis prince of Frãce, husband of the foresaid lady Blanch, whom they chose with one consent, and admitted and swore him fealtie and obedience in London, for him and for his heyres and posteritie, in the yeare 1217. and gaue him possession of the said citie and Tower of London, and of many other cheefe places of the realme, & albeit afterward the most parte of the realme chainged their myndes agayne, vppon the suddaine death of the said king Iohn, and chose and admitted his yong sonne Henry the third, a child of nyne yeares old, yet do the fauourers of the Infanta say, that their remayneth to her as heyre vnto the said Lewis, vntil this day, that interest which by this election oth and admission of the realme, remained vnto this prince Lewis, which these men affirme to be the very like case, as was that of Hugo Capetus in France,

Electiō of
Levys
the 8. to
be King
of Inglād.

Polydor.
l. 15. hist.
Angl.
Holling&
Stovv in
vita Ioan-
nis.

Belfor. li.
2. cap 67.
Girard li.
5 histor.
Baudin
au 291.
chron.
france.

who came to be king especially, vppon a certayne title that one of his ancestors named Odo earle of Parris, had, by being once elected king of France, and admitted and sworne, though afterward he were deposed agayne, and yong Charles surnamed the simple was admitted in his place, as Henry the third was in England after the election of this Lewis. But yet as the other continued euer his right and clayme vntil it was restored to Hugo Capetus one of his race, so say these men, may this Infanta continue and renew now the demaund of this right of king Lewis her ancestor, for that titles and interestes to kingdomes, once rightly gotten, do neuer dye, but remaine euer for the posterity to effectuate when they can, & thus much of this matter.

Pretence
by descent
from Henry
the
third.

But after this againe, these men do shew, how that the said Infanta of Spayne, doth descend also from Henry the third, sonne of king Iohn, by the dukes of Britanie, as before in the second chapter hath bin declared, and in the arbor and genealogie following in the end of this conference shalbe scene, for that king Henry besides his two sonnes Edward and Edmond, which were the beginners of the two houses of Yorke and Lancaster, had also a daughter named Lady Beatrix, married to Iohn the second of that name duke of Britanie, and by him she had Arthur the second, and so lineally from him haue descended the princes of that house, vntil their vnion with the crowne of France,
and

and from thence vnto this lady Infanta of Spayne, that now is, who taketh herselfe for proper heyre of the said house of Britanie, and heyre general of France, as hath bin said.

By this third coniunction then, of the house of Britanie with the blood royal of England, the frendes of the Infanta do argue in this manner, that seing she discenderth of the sister of these two brothers which were the heades of the two opposite houses of Lancaster and Yorke, and considering that each of these houses hath oftentimes bin attainted, & excluded from the succession by sondry actes of parliament, and at this present are opposite, and at contention among themselues: why may not this right of both houses (say these men) by way of composition peace and comprimise, at least, be passed ouer to the issue of their sister Admissiō
by com-
position. which resteth in the Infanta.

Agayne they saye that al these three branches of the lines of English kings, to wit by the lady Constance daughter of king William Conqueror, by the lady Elenor daughter of king Henry the second, and by the lady Beatrix daughter of king Henry the third, it is euident, that this lady the infanta of Spaine, is of the true and ancient blood royal of England, and that diuers wayes she may haue clayme to the same, vvhich being graunted, they inferr, that seing matters are so doubtful at this day, about the next lawful succession, and that diuers of the pretendores are excluded, some for bastar-

die, some other for religion, some for vnaptnes to gouerne, and some for other causes, & seing the common wealth hath such authoritie to dispose in this affaire, as before the Ciuil lawyer hath declared, why may there not consideration be had among other pretenders, of this noble princeesse also (saie these men) especially seing she is vnmarried and may therby cōmodate many matters, and salue many breaches, & satisfie many hopes, and giue contentment to many desires, as the vworld knoweth.

Obiectiōs
against
the Infan-
tas pre-
tence.

And this is in effect as much as I haue hard alleaged hitherto in fauour of the Infanta of Spayne, but against this pretence, others do produce diuers arguments and obiections, as first of al, that these her claymes be very old and vvorne out, and are but collateral by sisters. Secondly that she is a stranger, and allien borne. Thirdly that her religion is cōtrary to the state. vnto al which obiections, the fauourers aforesaid do make their answeres, and to the first they say, that antiquity hurteth not the goodnes of a title, vvhen occasion is offred to aduāce the same, especially in titles apperteyning to kingdomes, which commonly are neuer presumed to dye, as hath bin said, and *nullum tempus occurrit Regi* saith our law. And as for collateral lines, they say, that they may lawfully be admitted to enter when the direct lynes do eyther fayle or are to be excluded, for other iust respects, as in our case they hold that it happeneth. And as for the second pointe of forraine birth

birth they saye there hath bin sufficient answered, before in treating of the house of Scotland, that in rigor it is no barr, by intention of any English law, yet whether in reason of state & politique government, it may be a iust impediment or no, it shal after be handled more at large vwhen we come to treat of the house of Portugal. To the last point of religion they answer that this impediment is not vniuersal, nor admitted in the iudgment of al men, but only of those English that be of different religion from her. But to some others (and those many as these men do vveene) her religion vvil rather be a motiue to fauour her title then to hinder the same, so that on this ground no certaintie can be buylded, and this is as much as I haue to say at this tyme of these two families of Clarence and Britanie.

Cc 5 OF THE

OF THE HOVSE OF
PORTVGAL VVHICH CON-
TEYNETH THE CLAYMES AS-VVEL OF
*the king and prince of Spayne to the succession
of Ingland, as also of the dukes of Parma
and Braganfa by the house of
Lancaster.*

CAP. VIII.

The
princes of
Portugal
are of the
house of
Lancaster.

IT hath bin oftentimes spoken before vpon occasions offred, that the princes of the house of Portugal at this day, do persuade themselves that the only remaynder of the house of Lancaster resteth among them, as the only true heyres of the lady Blanch duchesse and heyre of Lancaster, & first wife of Iohn of Gaunt, which pointe of these princes descents from the said duchesse of Lancaster, though it be declared sufficiently before in the third and fourth chapters: yet wil I briefly here also set downe and repeat agayne the reasons therof, vvhich are these that follow.

Iohn of Gaunt vvas duke of Lancaster by the right of his first vvife lady Blanch, and had by her only one sonne, as also one daughter, of vvhom vve neede heere to speake, for that the other hath left no issue now liuing. The sonne vvas king Henry the fourth, vvho had issue king Henry the fift, and he agayne Henry the sixt, in vvhom vvas extinguished al the succession of this sonne Henry.

The

The daughter of Iohn of Gaunt by lady Blanch vvas called Phillip, vvho vvas married to Iohn the first king of that name of Portugal, vvho had issue by him king Edward, and he agayne had issue king Alfonfus the first king of Portugal, and he and his offspringe had issue agayne the one after the other vntil our tymes, and so by this marriage of lady Phillip, to their first king Iohn, these princes of the house of Portugal that liue at this day, do pretende that the inheritance of Lancaster is only in them, by this lady Phillip, for that the succession of her elder brother king Henry the fourth, is expired long ago. This in effect is their pretence, but now vve vvill passe on to see vvhat others say, that do pretend also to be of the house of Lancaster by a latter marriage.

Iohn of Gaunt after the death of his first vvife lady Blanch, dyd marrye againe the lady Constance daughter of king Peter surnamed the cruel of Castile, and had by her one daughter only named Catherin, vvhom he married afterward back to Castile againe, giuing her to vvife, to king Henry the third of that name, by vvhom she had issue king Iohn, and he others, so as lineally king Philippe king of Spayne is descēded from her, vvwhich king Phillip being at this day king also of Portugal, and the cheife titler of that house vnto England, he ioyneth the inheritance of both the two daughters of Iohn of Gaunt, in one, & so we shal not neede to talk of these two daughters hereafter distinctly,

The issue
of lady
Phillip
Queene
of Portu-
gal.

Issue of
Iohn of
Gaunt by
his later
vvives.

See the
arbor in
the end
of this
booke.

stinctly, but only as of one, seing that both their discents do end in this one man.

The point
of diffi-
cultie.

The only difficultie and dissention is then, about the issue of the third marriage, vvhich vvas of Iohn of Gaunt vvith lady Catherin Swinford, whom he first kept as a Concubine, in the tyme of his second wife lady Constance, as before hath bin shewed in the third chapter, and begat of her fower children, and after that his wife lady Constance vvas dead, he tooke her to vvife for the loue he bare to his children, a litle before his death, and caused the said children to be legitimated by authority of parliament, and for that none of these fower children of his, haue left issue, but only one, that vvas Iohn earle of Somerset, we shal speake only of him ommitting al the rest.

Issue of
Catherin
Swin-
ford.

This Iohn then earle of Somerset had issue an other Iohn, which was made duke of Somerset by king Henry the sixt, who vvith his three sonnes, vv ere slayne by the princes of the house of Yorke, in the quarrel of Lancaster, & so left only one daughter named Margaret, who by her husband Edmond Tydder, earle of Richmond, vvas Countesse of Richmond, & had by him a sonne named Henry earle of Richmond, that was after king, by the name of king Henry the seuenth, and from him al his discendents both of the house of Scotland and Suffolke, do pretend also to be of the house of Lancaster, which yet can be no otherwise then now hath bin declared, to wit, not from Blanch first wife
and

& heyre of the duchy of Lancastee, but frō Catherin Swinford his third wife, vvhether riseth the question vvhether those men, I meane king Henry the seuēth, & his discendents, may properly be said to be of the true house of Lancaster, or no, wherunto some do answere vwith a distinctiō, to wit, that to the duchy of Lācaster, wherof the first wife lady Blāch was heire; these of the thīrd marriage cannot be heyres, but only the remaynder of the issue of the said lady Blanch that resteth in the princes of the house of Portugal. But yet to the title of the crowne of Inglande, which came by Iohn of Gaūt himselfe, in that he vvas third sonne of K. Edward the third, and eldest of al his children that liued vwhen the said king Edward dyed (by vvhich is pretended also that he should haue succeded immediatly after him before king Richard the secōd, as before in the fourth chapter hath bin declared) to this right (I saie) & to this interest of the crowne, which came by Iohn of Gaunt himselfe, & not by lady Blāch, or by any other of his wiues, the discendents of king Henry the seuenth do say that they may and ought to succede, for that Iohn earle of Somerset eldest sonne of Iohn of Gaunt by lady Catherin Swinford, though he vvere begotten out of matrimony, yet being afterwarde made legitimate, he vvas to inherite this right of Iohn of Gaunt his father, before the lady Philip his sister, for that so vve see that king Edvvard the sixt, though yonger, and but halfe

The principal question.

Answer.

Duchie of Lancaster.

The crowne.

An example of Edvvard the sixt & of the prince of spaine.

halfe brother vnto the lady Mary and Elizabeth his sisters, yet he inherited the crowne before them, and in like manner is lord Phillippe prince of Spaine at this daye to inherite al the states of that crowne before his two sisters; that be elder then he, & so likewise saye these men, ought Iohn of Somerset to haue donne before Phillippe his eldest sister, if he had bin aliue at that tyme, vwhen king Henry the sixt vvas put downe and dyed, and consequently his posterity, vvhich are the discendents of king Henry the seuenth, ought to enioye the same before the princes of Portugal, that are the discendents of Lady Phillippe his sister, thus say the issue of king Henry the seuenth.

Replies
of the
house of
Portugal.

But to this the princes of the house of Portugal do reply, and say, first, that by this it is euident at least, that the dukedome of Lancaster vvhether of the lady Blanch vvas the only heyre, must needs apperteyne to them alone, and this vwithout al doubt or controuersie, for that they only remaine of her issue after extinguishing of the posterity of her elder brother K. Henry the fourth, which vvas extinguished by the death of king Henry the sixt, and of his only sonne prince Edward, and for this they make no question or controuersie, assuring themselves that al law, right and equity, is on their side.

The duke
dome of
Lancaster.

The legi-
timation
of Cath-
arin Swin-
fords
children
not law-
ful.

Secondly touching the succession and right to the kingdome, they saye, that Iohn earle of Somerset being borne out of Wedlock, and in adultery, for that his father had an other vvife aliue

aliue vwhen he begatt him, and he continuing
 a bastard so many yeares, could not be made le-
 gitimate afterward by parliament to that effect
 of succession to the crowne, and to deprive
 Queene Phillip of Portugal, and her children
 borne before the others legitimation, fro their
 right and succession, vvithout their contents,
 for that Iohn king of Portugal, did marry the
 said lady Phillip, vvith condition to enioy al
 prerogatiues that at that day vvere due vnto
 her, and that at the tyme vwhen Iohn of Gaunt
 did marry the said lady Catherine Svvinford, &
 made her children legitimate by act of parla-
 ment (vvhich vvvas in the yeare of Christ 1396.
 and 1397.) the said lady Phillip Queene of Por-
 tugal, had now tvvo sonnes liuing, named don
 Alonso, and don Edwardo, vvhich vvwere borne
 in the yeares 1390. and 1391. that is six yeares
 before the legitimation of Iohn earle of So-
 merset, and his brethren, and therby had *ius*
acquisitum, as the law saith, vvhich right once
 acquired and gotten, could not be taken away
 by any posterier act of parliament aftervvard,
 vvithout consent of the parties interessed, for
 vvhich they do alleage, diuers places of the ca-
 non law, vvhich for that they hold not in In-
 gland, I do not cite, but one example they put
 to shew the inconuenience of the thing (if it
 should be otherwise determined then they as-
 firme) vvhich is, that if king Henry the eight
 that had a bastard sonne, by the lady Elizabeth
 Blunt, vvhom he named Henry fitzroy, & made
 him

Steu in
 vit. Ri-
 chard 2.

Garibay
 his Por-
 tugal. l. 35
 cap 4

Note this
 example.
 Steu in
 vit. Hen-
 rici 2.

him both earle of Notingham, and duke of Richmond and Somerset in the 18. yeare of his reigne, at vvhath tyme the said king had a lawfull daughter a liue, named the princeesse Mary by Queene Catherin of Spayne; if (I say) the king should haue offered to make this sonne legitimate by parliament, with intent to haue him succcede after him, in the crowne, to the preiudice and open iniury of the said lawful daughter, these men do say that he could not haue done it, and if he should haue done it by violence, it would not haue held, and much lesse could Iohn of Gaunt do the like, being no king. Nor was the act of parliament sufficiēt for this pointe, it being a matter that depended especially (say these men) of the spiritual court, and of the Canon law which law alloweth this legitimation no further, but only as a dispensation, and this so farforth only as it doth not preiudice the right of any other.

John of
Gautes
marriage
vvith Ca-
therin
Svvinford
helpeth
not the
legitima-
tion.

Nether helpeth it any thing in this matter, the matriage of Iohn of Gaunt with lady Catherin, for to make better this legitimation, for that as hath bin said, their children vv ere not only *naturales* but *Spuriij* that is to saye begotten in playne aduoutrie and not in simple fornication only, for that the one partie had a wife a liue, and consequently the priuelege that the law giueth to the subsequent marriage of the parties for legitimating such children, as are borne in simple fornication, that is to say betweene parties that vv ere single and none of them

them married, can not take place here, so as these men conclude, that albeit this legitimat-
tion of parliament, might serue them to other
purposes, yet not to deprive the princes of Por-
tugal of their prerogative to succede in their
mothers right, which she had vwhen she vvas
married to their father.

And this they affirme to haue bin law and
right at that tyme, if the said Queene Phillip &
earle Iohn had bin aliue together, vwhen Henry
the sixt and his sonne vvas put to death, & that
this questiō had bin then moued at the deathe
of king Henry the sixt, whether of the two, to
vvit either the said Queene Phillip or her yon-
ger brother Iohn earle of Somerset by the fa-
thers side only, should haue succeded in the in-
heritance of king Henry the sixt, in vvwhich
case these men presume for certaine, that the
said Queene Phillippe legitimatly borne, and
not Iohn made legitimate by parlamēt, should
haue succeded, for that by common course of
law, the children legitimated by fauour, albeit
their legitimatation vv ere good and lawful (as
this of these children is denyed to be) yet can
they neuer be made equal, and much lesse be
preferred before the lawful and legitimate by
byrthe.

The que-
stion be-
twene
lord Phil-
lip and
Iohn of
Somerset.

But now say these men, the case standeth at
this present somewhat otherwise, and more for
the aduantage of Queene Phillippe, and her
offspring, for vwhen king Henry the sixt, & his
sonne were extinguished, and Edward duke of

Yorke thrust hym selfe in to the crowne (which vvas about the yeare of Christ 1471) the foresaid two princes, lady Phillip and earle Iohn, vv ere both dead, as also their children, and only their nephewes vv ere aliue, that is to saye, their liued in Portugal king *Alfonfus* the fift of that name, sonne to king Edward, vv hich Edward vvas child to Queene Phillip, and the death of king Henry the sixt of Ingland happened in the 38. yeare of the reigne of the said king *Alfonfus*: and in Inglād liued at the same tyme, lady Margaret Countesse of Richmond, mother of king Henry the seuenthe and neece of the foresaid Iohn earle of Somerset, to vv it the daughter of his sonne duke Iohn of Somerset, so as these tvvo competitors of the house of Lancaster, that is to say, king *Alfonfus* and lady Margaret, were in equal degree from Iohn of Gaunt, as also from king Henry the sixt, sauing that king *Alfonfus* vvas of the vv hole blood, as hath bin said, and by Queene Phillip that vvas legitimate, and the countesse of Richmond vvas but of the halfe blood, as by Iohn earle of Somerset, that vvas a bastard legitimated.

The question betweene the nephewes.

The question then is, which of these tvvo should haue succeeded by right, of the house of Lancaster, immediatly after the death of king Henry the sixt, and the lady Margaret alleageth that she vvas descended from Iohn earle of Somerset that vvas a man, and therefore to be preferred, and king *Alfonfus* alleaged that he
being

being in equal degree of neernes of blood with the same countesse (for that both vvere nephe-
wes) he vvas to be preferred before her, for that
he was a man, and of the vvhole blood, to the
last kings of the house of Lancaster, and that
she was a vvoman and but of the halfe blood,
so that three prerogatiues he pretended before
her. First that he vvas a man and she a vvoman,
and secondly that he descended of the lawfull
and elder daughter, and she of the yonger bro-
ther legitimated, and thirdly that he vvas of
vvhole blood, and she but of halfe, and for bet-
ter fortifying of this prooffe of his title, these
men do alleage a certayne case, determynd by
the learned of our dayes as they say, vvherin for
the first of these three causes only, the succes-
sion to a crowne vvas adiudged vnto king Phil-
lip of Spayne, to vvite the succession to the
kingdome of Portugal, vvchich case was in al
respects correspondent to this of ours: for that
Emanuel king of Portugal had three children,
for so much as apperteyneth to this affaire (for
afterward I shal treat more particularly of his
issue) that is to say, two sonnes and one daugh-
ter, in this order, Iohn, Elizabeth and Edward,
euen as Iohn of Gaunt had Héry, lady Philippe,
and Iohn.

Prince Iohn of Portugal first child of king Emanuel, had issue an other Iohn, and he had Sebastian in whom the line of Iohn the first child vvas extinguished: but Iohns sister Eliza-
beth, vvas married to Charles the Emperour, &
The case
of succes-
sion to
Portugal.

had issue K. Phillip of Spayne that now liueth. Edward also yōger brother to Elizabeth or Isabel had issue two daughters, the one married to the duke of Parma, & the other to the duke of Braganza, so as king Phillip vvas in equal degree vvith these ladies in respect of king Emanuel, for that he vvas sonne to his eldest daughter, and the two duchesses vvere daughters to his yonger sonne, & vppon this rested the question, vvhich of these I should succcede, and it vvas decided that it apperteyneth vnto king Phillip, for that he vvas a man, and his mother vvas the elder sister, though if king Phillips mother and the two duchesses father I meane lord Edwyard of Portugal had bin aliue together, no doubt but that he beinge a mā I should haue borne it away, vvhich these men say, holdeth not in our case, but is much more to our aduantage, for that it hath bin shewed before, that if Queene Phillippe had bin aliue vvith earle Iohn of Somerset at the death of king Henry the sixt, she should haue bin preferred as legitimate, by birth, and therefore much more ought her nephew king Alonsus to haue bin preferred afterward in that he vvas a man, before the neece of the said earle Iohn of Somerset, that vvas but a vvoman, thus farr

The pro-
per inte-
rest of

K. Henry
the 4. cā-
not dis-
cend to
king Hēry
the 7.

they. And besides all this, they do adde (as often before I haue mentioned) that king Alonsus vvas of the vvhole blood vnto al the three king Henries of the house of Lancaster, & the coun-
tesse

tesse of Richmond vvas but of the halfe blood:
 and for more strengthening of this argument,
 they do say further, that besides that interest or
 right to the crowne, vvhich king Henry the
 fourth (that vvas the first king of the house of
 Lancaster) had by his father Iohn of Gaunt, in
 that the said Iohn vvas third sonne of king
 Edward the third, the said king Henry had di-
 uers other interestes also which came of him-
 selfe only, and not from his said father, as vvere
 (for example) his being called into the realme
 by general voyce of al the people: his right got-
 ten by armes, vppon the euil gouernment of the
 former king: the personal resignation and deli-
 uery of the kingdome by solemne instrument
 made vnto him, by king Richard: his election
 also by parlament, & coronation by the realme:
 and finally the quiet possession of him and his
 posteritie, for almost threescore yeares, vvith
 many confirmations of the whole realme, by
 diuers acts of parlament, othes, and other assu-
 rāces, as the world knoweth: so many I meane,
 and so autētical, as could possibly be denised or
 giuen: and besides al this, that vvhen king Ri-
 chard vvas dead, he vvas next in degree of pro-
 pinquitie vnto him, of any man liuing, for that
 the sonnes of Roger Mortimer, vvere two de-
 grees further of then he, as hath bin shewed
 before. Al vvich particuler rightes and intere-
 stes, vvere peculier to Henry the fourth his per-
 son, and vvere not in his father Iohn of Gaunt,
 and therefore cannot possibly discend from him

to the issue of Iohn earle of Somerset, but must passe rather to the issue of king Henries true sister the Queene Phillippe of Portugal, and this though it be supposed, that otherwise it might be graunted (as say they it may not) that Iohn earle of Somerset and his successors, might succede to Iohn of Gaunt before lady Phillippe, vvhich thinge (say these men) if it should be graunted, yet cannot he succede to king Henry the fourth fift and sixt, that discended of Blanch: and this is in effect al that I haue hard disputed about this point, what lyne is true heyre to the house of Lancaster, to vvit, whether that of Iohn earle of Somerset, borne of Catherin Swinford (from vvhom discendeth king Henry the seuenth and his posteritie) or els that of Queene Phillippe of Portugall, borne of lady Blāch, from vvhom are come the foresaid Princes of Portugal.

VWho are the princes of Portugal and how they pretend to Ingland.

But now it remayneth to examine somewhat in this place also, vvhath & vvhom are these princes of the house of Portugal, so often named before, and vvhath pretence of succession, they and euery of them haue, or may haue vnto the crowne of Ingland? for better vnderstanding vvhherof, it shalbe needful to explaine somewhat more at large, the foresaid pedegree of king Emanuel of Portugal, who albeit by diuers wiues he had many children, yet six only that he had by one wife, of vvhom their remayneth hither-to issue, are those vvhich may apperteyne vnto our purpose to speake of, in respect of any pretence,

pretence, that may be made by them towards
Inglād, supposing alwayes (which is most true)
that the said king Emanuel, was discended li-
neally as true and direct heyre from the fore-
said lady Phillippe, Queene of Portugal, that
vvas daughter of Iohn of Gaunt by his first wife
lady Blanch, duchesse and heyre of the duke-
dome of Lancaster, and sister to king Henry the
fourth first king of the house of Lancaster, so as,
by her doth or may pretend the whole poste-
ritie of the said king Emanuel, vnto whatsoeuer
the said lady Phillippe might inherite from her
father or mother, or from her said brother king
of England or his posteritie.

The six children then of king Emanuel were
these following, and each of them borne as
heere they are set downe, first prince Iohn that
vvas king after his father by the name of Iohn
the third, secondly the lady Isabel married to
the emperor Charles the fift, and mother to
king Phillip of Spayne that now liueth.

The issue
of king
Emanuel
of Portu-
gal.

Thirdly lady Beatrix married to Charles duke
of Sauoy, and mother to duke Philibert the last
duke that dyed, and grand mother to this that
now liueth. Fourthly lord Lewis father to don
Antonio that now is in England. Fiftly lord
Henry that was Cardinal and Archbishop of
Ebora, and in the end king of Portugal. And
sixtly lord Edward, that vvas father of the two
duchesses of Parma and Braganza, to wit of
lady Mary, and lady Catherin, both which haue
left goodly issue for that the lady Mary hath

left by the last duke of Parma, lord Ranutius that is now duke of Parma, and lord Edward that is Cardinal : and the lady Catherine duchesse of Bragança that yet liueth, hath issue diuers goodly princes, as the lord Theodosius, that is now duke of Bragança, and three yonger brothers, to vvit, Edward, Alexander and Philip, al yong princes of great expectation, and these are the children of king Emanuel vvwhose particuler successions and issues, I shall declare somwhat more yet in particuler.

Issue of
K. Iohn
the 3. of
Portugal.

Prince Iohn of Portugall afterward king, by name of king Iohn the third, had issue an other Iohn that vvvas prince of Portugal, but dyed before his father and left a sonne named Sebastian, vvho vvvas king, and slayne afterward by the Moores in Barbary, and so ended this first lyne.

L. Levves
father of
Don Antonio.

The second sonne, and fourth childe of king Emanuel, vvvas named lord Lewis, and dyed also vvwithout issue legitimate, as is supposed, for that don Antonio his sonne, that afterward vvvas proclaymed king by the people of Lisbon, and now liueth in England, vvvas taken by al men to be vnlawful, as presently more at large shalbe shewed, so as after the death of king Sebastian, their entred the Cardinal lord Henry; vvwhich vvvas third sonne to king Emanuel, and great vncle to king Sebastian lately disceased, for that he was brother to king Iohn the third, that vvvas grand father to king Sebastian, and albeit their vvanted not some (accordinge

King Henry
Cardinal.

dunge as the authors wryte vvhich afterward I shal name) vvho affirmed and held, that king Phillip of Spayne should haue succeded king Sebastian before the Cardinal, for that he vvvas neerer in consanguinitie to him then vvvas the Cardinal, for that besides that king Phillip was sonne of king Emanuels eldest daughter, he vvvas brother also to king Sebastians mother, yet the said Cardinal entred peceably and by consent of al parties, but for that he vvvas old, and vnmarried, and not like to leaue any child of his owne, there began presently the contention in his dayes, vvho should be his successor.

To vvvhich succession, did pretende fve princes of the blood royal of Portugal, besides the lady Catherine Queene mother of France, who pretended by her mothers side to be discended of one lord Raphe, earle of Bulayne in Picardy, vvvhich Raphe vvvas eldest sonne of Alfonso the third king of Portugal; which Alfonso before he vvvas king, to wit, in the tyme of his elder brother king Sanches of Portugal, was married to the countesse and heyre of Bullayn, named Mathildis and had by her this Raphe: but afterward this Alfonso comming to be king of Portugal, he married agayne vvwith the king of Castiles daughter, and had by her a sonne called Denyse, vvho reigned after him, and his successors, vnto this day, al vvvhich succession of kinge Denyse & his posteritie, the said Queene mother would haue improved and shevved,

The pretence of the Queene mother in France to Portugal.

that it apperteyned to her by the said Raphe, & for this cause sent she to Portugal, one lord Viban bishop of Comince in Gasgonie, to plead her cause, vvhich cause of hers vvas quicklie reiected, and only the forsaide five princes discended of king Emanuels children, were admitted to tryal for the same, which vvere, Don Antonio sonne of lord Lewis the king Cardinals elder brother, and king Phillip of Spayne sonne of lady Elizabeth the eldest sister of the said Cardinal, and Philibert duke of Sauoy sonne of the lady Beatrix the same Cardinals yonger sister, and the two duchesses of Parma and Braganza, named Mary and Catherine, daughters of lord Edward yonger brother of the said Cardinal, and yongest child of king Emanuel. And for that the lady Mary duchesse of Parma, vvhich vvas the elder of the two daughters, vvas dead before this controuersie fel out, her eldest sonne lord Ranutio now duke of Parma, pretended by her right, to the said crowne.

Five pre-
tenders
of the
crowne
of Portu-
gal.

The con-
tention
about
the suc-
cession of
Portugal.

And for that this matter vvas of so great importance euery parte procured to lay downe their reasons, and declared their rightes, in the best manner they could, and such as could not be present themselves in Portugal, sent thither their agentes, Embassadors and Attorneys, to plead their causes for them. Don Antonio and the duchesse of Braganza, as inhabitants of that kingdome, were present, and declared their pretences, namely Don Antonio by himselfe, and for

for himfelfe, and the lady Mary of Bragança by her husband the duke, and his learned council.

The prince of Parma sent thither for his parte one Ferdinande *Farnese*, bishop of Parma. The duke of Sauoy sent Charles of Rouere, afterward made Cardinal. The king of Spaine, as the greatest pretender sent the lord Peter Gyro duke of Osuna afterward Viceroy of Naples, & Syr Christopher de Mora, knight of his chamber at that tyme, but since of his priuey council and lately made earle of Castel Rodrigo in Portugal, of vvhich country he is natieue, and besides these two, a great lawyer named Roderigo Vasques, made since (as I heare saye) lord President of Castil, vvhich is as much almost as lord Chancellor vvith vs.

Attur-
neyes
sent to
Portugal.

Al these did lay forth before the king Cardinall their feueral reasons and pretensions to the succession of the crowne of Portugal, for the five persons before mentioned, wherof two vv ere quickly excluded, to wit, the duke of Sauoy for that his mother was yonger sister to king Phillips mother, and himfelfe also of lesse age then the said king. And secondly Don Antonio was also excluded by publike and iudicial sentence, of the king Cardinal his vncke, as illegitimate, and borne out of lawful wed-loke, and albeit Dō Antonio denyed the same, and went about to proue hym selfe legitimat, affirming that his father the lord Lewis, before his death had married with his mother in se-
cret,

cret, and for this brought forth some witnesses, as namely his mothers sister with her husband, and two others: yet the king Cardinal affirmed, that vppon examinatio he had found them to be suborned vvhich he said vvas euident to him, partly for that they agreed not in their speeches, and partly for that some of them had confessed the same, to wit, that they were suborned, vvhom he cast into prison, and caused them to be punished, and so sitting in iudgement, accompanied with fower bis hopes, and fower lawyers, vvhō he had called to assist him in this cause, he pronounced the same Don Antonio to be a bastard, for vvhich the Authors that I haue read about this matter which are principally two, the first named *Hierom Franke*, a gentleman of Genua, who wrote ten bookes in Italian, of the vnion of the crowne of Portugal to the crowne of Castilia, and the second is named *Ioanes Antonius Viperanus* a Sicilian as I take him, who wrote one booke only in latine, *de obtenta Portugallia à rege Catholico Phillippo*, of Portugal gotte by king Phillip the Catholike, both these bookes (I say) out of vvhom principally I haue taken the pointes which heere I wil touch, do seuerally set downe, the causes following, vvhych the king Cardinal did reiect the pretence of Don Antonio before al other pretenders, and pronounced him a bastard.

First, for that he had byn euer so taken al the tyme of his fathers life, and no man euer dowed therof, or called the matter in question,

until

A sentēce
of illegi-
timation
against
Don An-
tonio.

Writers
of this co-
trouersie.

7.
The cau-
ses vvhych
don An-
tonio
was pro-
nounced
illegiti-
mate.

until now that himsele denyed the same.

Secondly for that in the tyme of Iulius Ter-
tius the Pope, when certayne decrees came out
from Rome, against the promotion of bastar-
des, the same D^o Antonio sued to the said Pope,
to be dispensed with al in that case, vvhich ar-
gueth that then he knew himsele not legiti-
mate. 2.

Thirdly that his father the lord Lewis had
often tymes both by word and writing testified
the same, that this Antonye vvas his bastard,
and had signified also so much in his last vvill &
testament. 3.

Fourthly the said Cardinal as of himsele,
also affirmed, that if his brother the lord Le-
wis, had euer d^one any such thinge, as to marry
this Woman, who was but base in birth, and of
the Iewish race, as these stories do affirme:
that it is like, that he would haue made some of
his owne frendes & kynred acquainted ther-
with, as a matter so much important for them
to know, but he neuer did, though the said
Cardinal auowed that himsele was present
vvith him at his death. 4.

Fifthly he said, that if Don Antonio had bin
legitimate, how happened that he did not pre-
tend the succession before the Cardinal him-
sele, next after the death of king Sebastian,
seing that he vvas to haue gone before the said
Cardinal by as good right, as his other nephew
Sebastian did, if he had bin legitimate, for that
he was 5.

he vvas sonne also to the Cardinales elder brother, as hath bin saide.

6.

Sixtly & lastly, the said king Cardinal auowed against Don Antonio, partly the disagreeing and partly the open confessing of the vvitneses, that they were suborned by him, vppon al vvhich causes and considerations, he proceeded to the iudicial sentence before alleaged.

Don Antonio his
pretence to
England.

Thus passed the matter in the case of Don Antonio, vvho if he had bin legitimate, no doubt, but by al right he should haue bin preferred before al the other pretenders to the crowne of Portugal, and must be at this day, towards the crowne of England, before al those that pretend of the house of Portugal, if vve graunt him to be legitimate, and much more clearly may he pretend to the dukedome of Lancaster, as before hath bin declared, for that it must discend to the lawful heyre of lady Phillip Queene of Portugall, wherof ensleweth also, one consideration not impertinent to vs in England, that seing we hold him there for true king of Portugal, I see not how we can denye him his right to the said dukedome, at least of Lancaster, wherof if vve would giue him but the possession with al the appurtenances, as they lye, it were no euell interteynmēt for him in our country vntil he could gett the possession of the crowne in his owne.

Three
principall
pretenders of
Portugal.

After the exclusions of these two pretenders, to vvit of the duke of Sauoy, and of Don Antonio,

Antonio, the whole controuersie for Portugal, remayned, betweene the other three, vvhich were the king of Spayne sonne of lady Itabel eldest daughter of king Emanuel, and the two duchesses of Parma and Braganza, daughters of the yonger sonne of the said king Emanuel, to vvit of the lord Edward infant of Portugal.

And first of al, for that the eldest of these two Ladies to vvit, Mary duchesse of Parma, vvas now dead, her eldest sonne lord Ranutio now duke of Parma, entred in her place, and alleaged that he represented his mother, and the her father lord Edward, which Lord if he had bin aliue, he should (no doubt) haue bin preferred before his elder sister, lady Elizabeth mother of king Phillip, and consequently that the said lord Edwards issue ought to be preferred before her issue, and this he alleaged against king Phillip.

Pretence
of the
duke of
Parma.

And against the duchesse of Braganza he alleaged, that his said mother vvas the elder sister, and for that cause he vvich now possessed her right and represented her person, vvas to be preferred before the said lady Catherine duchesse of Braganza, so that the foundation of this pretence, of the duke of Parma vvas, that he vvas nephew to the lord Edward, by his eldest daughter, and that to king Emanuel he was nephew, once remoued, by his sonne, vvheras king Phillip vvas nephew but by his daughter only, and that the lady Catherine of Braganza

Bragansa was only second daughter to the said Lord Edward.

For the
duchesse
of Bra-
gansa.

But to this was answered for the same lady Catherine, first, that she was borne and bred in Portugal, and therefore more to be fauoured in this action, then either king Phillip or the duke of Parma, which were forrayne borne. And secondly against king Phillipp in particular, she vsed the same argument, that before the duke of Parma had donne, which is, that she was daughter of lord Edward, sonne of king Emanuel, whose right was better then his sisters, and consequently that his children, were to be preferred before the child of his sister, in this pretence, to wit, before king Phillip. And thirdly against the duke of Parma, she alleaged, that she was one degree neerer in propinquitie of blood vnto king Emanuel and vnto king Henry the Cardinal, then the duke of Parma was, which was but nephew, & she daughter to the said lord Edward, that was brother to the said lord Cardinal, and sonne of king Emanuel. And when for the duke of Parma it was affirmed, that he represented his mothers place, that was the elder sister; answere was made, that no representation, was admitted in this case of the succession to the crowne of Portugal, but that euery pretender was to be considered, and taken in his owne person only, and to be preferred according to his degree in propinquitie of blood, to the former princes, and if it happened that they should be

Represent-
ation ex-
cluded.

in equal degree, then each partye to be preferred according to the prerogatiues only of his person, to witt, the man before the woman, and the elder before the yonger.

And for that the lady Catherine of Bragança vvas neerer by one degree to her father lord Edward then was the duke of Parma vvhich was but nephew, therfore she vvas to be preferred, and many great bookes were written by lawyers in this ladyes behalfe, and her right vvas generally held in Portugal to be preferred before the other of Parma, vvhich was not a litle for the aduancement of king Phillipps title before them both, as presently shalbe shewed.

It vvas replied against this answer, in the behalfe of the duke of Parma, that the last king Sebastian entred the crowne by way of representation, and not by propinquitie of blood, for that he was a degree further of in propinquitie of blood from king Iohn the third who he succeeded, then was the Cardinal, for that he vvas but his nephew, to wit his sonnes sonne, and the Cardinal vvas his brother, and yet vvas the said Sebastian admitted before the Cardinal, for that he represented the place and right of his father prince Iohn, that dyed before he inherited, and so we see that in this case representation was admitted (said they) and in like manner ought it to be now.

A reply
for the
duke of
Parma.

To this it was saide, that Sebastian was not so much preferred before his great vncke the Cardinal, by vertue of representation, as for that

E e

he was

he was of the right discendant lyne of K. Iohn; and the Cardinal vvas but of the collateral or tranſuerſal lyne, and that al law alloweth that the right lyne ſhal fiſt be ſerued and preferred, before the collateral ſhalbe admitted, ſo that heerby representation is nothing furthered.

K. Phil-
lippes pre-
tence to
Portugal.

This excluſion of representation, did greatly further and aduance the pretence of king Phillip, for the excluſing of both theſe ladyes, and their iſſues; for that ſuppoſing (as this anſwere auoucheth) that their is no representation of father or mother or predeceſſors to be admitted, but that euery pretender is to be conſidered only in his owne perſon, then it followeth, (ſaid theſe men which plead for the king) that king Phillip being in equal degree of propinquitie of blood, with the two ladyes, in reſpect as wel of K. Héry yet liuing (for that they were al three children of brother and ſiſter) it followeth that he was to be preferred before them both, as well in reſpect that he was a man, and they both Women, as alſo, for that he was elder in age, and borne before them both. And albeit the duke of Parma alleaged that he was alſo a man, yet was it anſwered that he was one degree further of from the foreſaid kings, then was king Phillip, ſo as not reſpecting representation of their parentes, that is to ſay, not conſidering at all, that king Phillip diſcended of a Woman, & the two duchefſes, of a man, but only; reſpecting their owne perſons, as hath bin declared, theſe men auouched, that
king

king Phillipps person was evidently to be preferred, for that he was a degree neerer in blood then the duke of Parma, and superior in sex & age, to the lady Catherine of Bragança.

Moreouer the lawyers of king Phillipps side affirmed, that he was neerer also in propinquitie of blood to king Sebastian, the last king, then yvas the very king Cardinal himselfe, & much more then any of the other two pretenders, for that he was brother to the said king Sebastians mother, and the Cardinal was but brother to his grãdfather. And besides this, they alleaged, that Portugal did belong to the crowne of Castil by diuers other meanes of old, as for that it could not be giuen away by kings of Castil in marriage of their daughters, as the principal partes therof had byn, as also for that whē king Iohn the first, that was a bastard, was made king of Portugal, by election of the people, the inheritance therof did evidently apperteyne to king Iohn of Castil, that had to wife, the lady Beatrix daughter and heyre of Ferdinand king of Portugal, from which inheritance of that crowne, by open iniurye, both she and her posteritie (vvhose right is in king Phillip at this day) vverē debarred, by the intrusiō of the said Iohn, master of Auis, bastard brother of the foresaid king Ferdinand.

Diuers allegations
for king
Phillip.

These reasons alleaged diuers lawyers in the behalfe of king Phillip, and those not only Spaniards but also of diuers other countreyes & nations, as my authors before named do auow,

Hieron.
Fraki, lo.
Pet. Vipe-
ranus.

and many bookes were written of this matter, and when the contention vvas at the hottest, then died the king Cardinal, before he could decide the same controuerſie, vppon which occasion, the king of Spaine, being perswaded that his right vvas best, & that he being a Monarch and vnder no temporal iudge, vvas not bound to expect any other iudgment in this affayre, nor to subiect himselfe to any other tribunal, but that he might by force put himselfe in possession, of that which he tooke to be his owne, if otherwise he could not haue it deliuered vnto him (for so write these authois by me named) seing also don Antonio to pretend the said kingdome, by only fauour of some popular partie, that he had In Lisbone; the said king Phillip entred vppon Portugal by force of armes, as al the world knoweth, and holdeth the same peaceably vnto the day.

The case
of pretence
of the
hoytie
of Portu-
gal to In-
gland.

And I haue byn the longer in setting downe this contention about the succession to the crowne of Portugal, for that it includeth also the very same pretence and contention for the crowne of Inglād. For that al these three princes before named, may in like manner pretend the succession of that interest to the house of Lancaster, and by that to the crowne of Ingland, which doth discend from Queene Phillippe eldest daughter of Iohn of Gaunt, duke of Lancaster, and sister of king Henry the fourth as hath largely bin declared.

And albeit that some men wil saye, that this
matter

matter is now decided, which of these princes of the house of Portugal hath the interest to Ingland, for that king Phillip being now preferred in the succession of Portugal, entreth also therby to the other right of succession of Ingland, yet others vwill say no, for that the lawes of succession in Portugal and Ingland be different. For that in Ingland representation taketh place, so as the children of the sonne though they be women, shal euer be preferred before the children of the daughter, though they be men, vwhereof these men do inferr, that seing the lady Phillipps right before mentioned to the dukedome of Lancaster, and therby also to the crowne of Ingland, is to be preferred according to the lawes of Ingland, and not by the lawes of other forrayne countreyes; it followeth, that the selfe same right of succession that is pretended at this day by the princes of Portugal for succeding the said lady Phillippe, should be determined only by the lawes of Ingland, where representation taketh place, and not by the lawes of any other nation: Thus say they.

An objection
with the
answer.

But against this, others do alleage, that the question is not heer, by vwhat law this pretence of the blood royal of Portugal to the crowne of Ingland, is to be tried, but rather vwho is the true and next heyre and successor vnto K. Iohn the first, and to his wife Queene lady Phillippe, heyre of the house of Lancaster, which two priuces vvere king and Queene of Portugal, &

their true heyre at this day hath the forenamed pretence, to the crowne of England, which true and next heyre, being once knowne, it litle importeth by what law he pretendeth his said right to England, whether by that of Ingland or by this of Portugal, or by bothe, thoughte to determine this first and chief point, vvhich is the next and true heyre vnto these foresaid king & Queene of Portugal, the lawes of Portugal must needs be iudge & not those of England, and so, seing that by these lawes of Portugal, the king of Spayne, is now adiudged for next heyre, to the said princes, and is in possession of their inheritance at this day, I meane of the crowne of Portugal; these mē say, that he must consequently inherite also al other rightes dignities and prerogatiues belonging to the foresaid princes, or to their posteritie.

And thus you see now how great diuersitie of arguments and obiections, are and may be alleaged, on different sides, about this affayre, wherby also is made manifest, how doubtful & ambiguous a matter this pointe of English succession, is, seing that in one only branch of the pretenders, vvhich is in the house of Portugal alone, there are so many difficulties, as heere hath byn touched.

But now the common obiection against al these titles and titlers, is, that they are old and out of vire, and not to be brought in question againe now, especially seing that both king Henry the seventh and his issue, haue enioyed so long

Obie-
ctions
against
the pre-
tenders
of Portu-
gal.

so long the title of the house of Lancaster, as it hath, and secondly that these titles do apperteyne vnto strangers vvhose gouernment may be dangerous many wayes vnto Ingland, and especially in that which toucheth the king of Spayne, who being so great and mightye a monarch as he is, may preiudice greatly the English libertye, and easely bring them into seruitude, if his pretence should be fauoured, as by some it seemeth to be.

This is the speech of many men in Ingland, and abroad at this day, wherunto yet some others do answer, that as concerning the first obiection of the oldnes of the pretence, & title, it hath bin shewed before, that by law no title to a kingdome dyeth euer, but may take place vvhensoeuer the partie to vvhom it belongeth, is able to auouch it and gett possession, and as for this pretence of the line of Portugal, they say, that it hath not such great age, but that very wel it may shew it selfe, and be had in consideration, especially at this tyme, vvhhen now the issue male of king Henry the seuenth is ended, and that of necessitie, vve must returne to haue consideration of the issue of his daughters, before vvhich daughters, good reason (say these men) is it, that the issue of lady Phillippe Queene of Portugal should be admitted, for that albeit vve vould haue that respect to the issue male of Iohn Earle of Somerset, as to preferre it, or suffer it to enioy the crowne, before the issue of Queene Phillippe (and so they say

Answer.

Note
this.

it seemeth that it was, for that king Henry the seventh vvas crowned king, his mother being a liue, vvhich yet by ordinary course of succession (should haue gone before him) yet say they, it is no reason that the issue female of Iohn of Somerset, or of king Henry the seventh (should be preferred before the issue male of the said Queene Phillippe.

Moreouer they saye, that the house of Clarence and Huntington do pretend a title more old and stale at this day, then this of Portugal, for that they pretend from George duke of Clarence, that neuer had the crowne, and these of Portugal pretend to be next heyre to king Henry the sixt, that did vveere the crowne of England, for 40. yeares togeather, after whose death, if king Alfonsus of Portugal (who vvas then old & vvearied with euel successe of warres) had bin so able to preffer and follow his title, as some of that house be at this day, he vould neuer haue suffered the house of York to haue entred, nor king Henry the seventh to haue enioyed it after them, by the title of Lancaster, vvhich title yet of Lancaster (say these men) king Henry the seventh could not haue in himselfe any vway, vvhether we respect Queene Phillippe, or Iohn of Somerset, for by Queene Phillippe, they of Portugal were evidently before him, and by waye of Iohn of Somerset the countesse his mother vvas as cleerly before hym, nether could he haue any title, as yet, by the house of Yorke, for that he vvas not yet

By vvhich
title king
Henry the
7. did en-
ter.

yet married to the daughter of king Edward; so as his crowning in the feild, and whole entrance to the kingdome, vvas without any actual title at al, but only the good will of the people, as these men do hold.

To the other obiection of forraine princes & About
strange gouerment, that may come to England, ^{forrayne}
by these pretences of the princes of Portugal: ^{pouer in}
diuers men do answer diuersly, for some do ^{England.}
graunt that it may be so, that by this meanes
England may come to be vnder forayne kinges,
and that no hurt, or inconuenience at al would
ensue therof to England, but rather much good
and commoditie: but other that like not vvell
of this assertion, do say further, that if these for-
rayne pretence should take place, yet that al
matters might be so compounded, that albeit
the prince himselfe which is to rule, should be
forrayne borne (vvhich they take to be no in-
conuenience) yet that his forces and depen-
dence, should be only of the English, for that
he should not bring in any strainge powers
into the land, no more then did king Stephen
or king Henry the second, that were borne in
France, or then did king Phillip of Spayne in
Queene Maryes dayes, or as it is thought Mon-
sieur of France should haue done, if he had
married her Maiestie that now is, as once it was
supposed he should.

To this said one of the companie, and is it About
possible, that any man, should be of opiniõ that ^{forrayne}
forrayne gouerment in what manner or kinde ^{gouer-}
ment.

so euer it be, should not be iuconuenient and hurtfull to Inglād, wher the people are vvholye bent against it: you remember (quoth he) as concentering the last two examples, that you haue alleaged, what tumult and sture their vvas raysted by some kynde of men, about the comming in of king Phillip, and what their vvas like to haue byn, about the entrance of Monsieur, if that purpose had gone for-ward.

I remember wel said the Lawyer, and these men that are of this opinion, vvill say to this, that it vvas but a populer mutiney without reason or any good grounde at all, and only raysted by some crafty heades, that misliked the religiō of the princes that were to enter, and for some other driftes of their owne, but not of any sound reason or argument of state, which these men thinke rather to be of their side, & in good sooth they alleage so many argumentes for their opinion, that if you should heare them, you would say it weare hard to iudge which opinion had most truth, but they are so longe for this place and so (said he I shall make an end of the matter that I haue in hand and leaue this point, for others to discusse.

The occasion of the next chapter about foraine government.

With this the whole companye shewed maruelous great desire to know the reasons, that vv ere in both parties, for this matter, & so much the more, for that it seemed to fal very fit to the purpose, of these pretences of forayne princes, for vv hich cause they intreated him very instantly that before he passed any further, or ended his

ded his vvhole discourse, of the titles, (vvhich hitherto they said had greatly contented them) he would stay himselfe a litle also vppon this matter, which though for a tyme he made great difficultie to do, yet in the end, beinge so importuned by them he promised that at their meeting the next day, he would satisfie their desire, and so for that tyme they departed very wel contented but, yet as they saide, vvith their heades ful of titles and titlers, to the crowne.

VVHETHER IT BE BET-
TER TO BE VNDER A FOR-
RAINE OR HOMBORNE PRINCE,
*and Whether vnder a great & mightie
Monarch, or vnder a litle prince
or King.*

CAP. IX.

THE companye being gathered together the next day, and shewing much desire to heare the pointe discussed about forraine gouernment, wherof mention had bin made the day before, the lawyer began to say, that for so much, as they would needs haue him to enter into that matter, which of it selfe vvas ful of preiudice, in most mens eares and myndes, for that no nation commonly could abide to heare of being vnder strange gouernours and gouernments, he ment to acquite himselfe in this their request, as he had done in other matters before,

fore, vvhich vvas to lay downe only the opinions and reasons of other men, that had disputed this affaïre on both sides before him, and of his owne to affirme or deny nothing.

And first of al against the dominions of strangers, and Forriners he said, that he might discourse without end, and fil vp vvhole bookes and volumes vvith the reasons and arguments, or at least vvise vvith the dislikes and auersions, that al men commonly had to be vnder strangers, or to haue any alliens to beare rule or charge ouer thē, be they of what cōdition state or degree soeuer, and in this he said, that as wel philosophers, lawmakers wise and good men, as others do agree commonly, for that vve see both by their wordes writings and factes, that they abhorre to subiect themselues to strang governments, so as in al the eight bookes of Aristotles politiques, you shal still see, that in al the different formes of common vvealthes, that he setteth downe, he presupposeth euer that the gouernment shalbe by people of the selfe same nation, and the same thing do presume in like manner, al those lawmakers that he their mentioneth, to vvizt, Minois Solon, Licurgus, Numa Pompilius, and the rest, and he that shal reade the famous inuectiues of Demosthenes against the pretentions of king Phillip of Macedonia, that desired to introch vppon the Athenians, and other states of Greece, as also his orations against *AEschines*, his aduersarie, that vvas thought secretly to fauour the said forrayne prince,

Reasons
against
forraine
gouern-
ment.

Polit.
Arist.

Demof-
thenis
Philippicæ,
& in *AE-*
schines.

prince, ſhal ſee what hatred that noble Orator had againſt forraine gouernment, and he that ſhal read the bookes of our tyme either of the Italians vwhen they ſpake of their ſubiection in tymes paſt to the Lóbardes, German, or french nations, or to the ſpaniards at this day, or ſhal conſider vwhat the french do preſently vwrite & inueigh againſt the power of the houſe of Guyſe and Lorayne in Fráce, for that they take them to be ſtraingers, ſhal eaſely ſee how deeply this auerſion againſt ſtrangers, is rooted in their haites, and this for testimony of vword.

But now if vve vvil conſider the factes that haue enſued about this matter, and how much blood hath bin ſhedd, and vwhat desperat attempts haue bin taken in hand, by diuers nations, for auoyding their ſubiection to ſtrangers, or for deliuering themſelues from the ſame againe, if once they haue fallen into it, you ſhal behold more plainly, the very impreſſion of nature herſelfe in this affaire, for of diuers barbarous nations, realmes & citties, we reade in ſtories, that they rather choſe to ſlea & murder themſelues, then to be vnder the dominiõ of ſtrangers, others haue aduentured ſtrang attempts, & bloody ſtratagems, as the Sicilians, who in one day and at the ſelfe ſame hower, at the tyme of euening ſong, ſlew al the frenchmen that vvere within the Iland, vvhom yer themſelues had called and inuited thither not long before, and the like is recorded in our

Attēptes
to deliuer
realmes
from
ſtrangers.

Quint.
Curt. li 5.
& 6. de
geſt.
Alex.

Vespere
Sicilianæ,
an. 1265.
Leand. in
deſcript.
Sicilia.

Engliſh

Polyd. li.
3. Hol-
lings in
vit. Ca-
mitti.

English stories of killing the danes, by English men, at one tyme, in most ruful manner, and the like was oftentimes thought on also by the English against the Normans, when they oppressed vs, and by the French against the English whiles we had dominion in France, though nether the one nor the other of these latter desigments, could be effectuated, for want of forces, and commoditie, and by reason of the watchfulnes of the contrary part. But yet to speake only of France, the rage and fury of the french vvas generally so great and implacable, against the English that gouerned there, in the reigne of king Henry the sixt, as both Polidor & other stories do note (at what tyme, partly by the dissentions of the houses of York & Lancaster in England, and partly by the valour of their owne new king Charles the seuenth, they had hope to be ridd of the English dominion) as no persuation or reason, no feare of punishment, no force of armes, no promise or threat, no danger, no pittie, no religion, no respect of God nor man, could represse or stay them from rising and revolting euery where against the English gouernment and gouernours, murdering those of the English nation in al partes and corners, whersoever they found them, without remorse or compassion, vntil they were vtterly deliuered, of their dominion.

The rage
of the
french
against
English.

The con-
clusion
against
strangers.

So as this matter is taught vs (say these men) euen by nature her selfe, that strangers gouernment is not to be admitted, and moreouer the
reasons

reasons before alleaged against the king of Scotlands pretence, together vvith the examples and iudgements of the realmes of Spayne and Portugal, vvho resolved rather to alter the true order and course of their succession, then to admit strangers ouer them, do playnely confirme the same.

And last of al (say these men) the authoritie of holy scripture is euident, in this behalfe, for that vvhen God in Deutronomie, did fortell by Moyse, that the lewes in tyme would come to change their gouernment, and to desire a king as other nations rounde about them had, he added yet this expresse conditiō, that he should be only of their owne nation, for he sayeth.

Authori-
ty of scri-
pture
against
strangers.

Constitues eum quem Dominus Deus tuus elegerit de numero fratrū tuorum, non poteris alterius gentis hominem regem facere, qui non sit frater tuus: that is, thou shalt make king at that tyme, such a one as thy lord God shall chuse for that dignity, out of the number of thy brethren, but thou mayst not make a king of any other nation, but of thy owne brethren. Thus say these men, against admitting of strangers, and it seemeth that their opinion and affection, hath many followers, for that generally we see most men affected and inclined this way.

Deut. 17.

But yet on the other side there wāt not other men vvho appeare bothe wise dis-passionate & graue, that vvil seeme to consider this matter far otherwise, and do say, that al this, is but a common vulgar preiudice, of passionate men,

The an-
swer in
defence
of forrai-
ne gouer-
ment.

against

against strangers, rising partly by corruption of nature, vvhetherby men are inclined to tkinke euil of others, and to beare them little affectiō, especially, such as gouerne and beare rule ouer them, and so much the lesse by how much farther of, they are from vs in kyntred and acquaintance, and partly also they saye that the same riseth of lacke of dew consideration in the most parte of men, for that they weigh not the true reasons, causes, or effects of things, but only the outward shew, and so do runne away vvith the opinion and apprehensiō of the populer, which for the most parte hath no other ground or foundation in it but only fancy and imagination, or incitation of others, that indenuour to procure tumults, and so they say it fallerh out in this pointe, as vppon examination it shal appeare.

And for prooffe and declaration of this their assertion, they do require first of al, that this ordinarie and common preiudice against strangers or strang gouernments, be laid aside, so long at least, as the matter is in disputation, and that only the true effects, of good and profitable gouernment may be cōsidered, without that other circumstance, whether these frutes do come from stranger or hom-borne prince, which effects are peace, rest, iustice, defence of the innocent, punishment of the wicked, vvealth, securitie, and other such benefites, that good gouernment is wont to bring with it, to the subiects. These things (say these men) are to be weighed

The effect of gouernments to be considered & not the gouernment

vveighed indifferently and vvithout passion, by wisemen, and vvheresoeuer these effects are more abundantly to be founde, their the gouernment is best, and their the subiects are in best case, vvhatsoever the gouernours be, or of what nation or country, soeuer they be. And this they shew by this example following.

If in two countreyes or common wealthes, An example.
 lying nigh together, the subiects of the one, should liue in ease, vvealth and prosperity, vnder a strainger, as diuers states did vnder the Romans, and in the other they should be beaten, whipped, and afflicted vnder a hom-borne prince, as vve reade the Sicilians were vnder Phalaris and Dionisius their countrymen tyrants, cleare it is, (say these men) that the stripes and afflictions vvould not seeme the easier, for that they come from a natural prince, but rather the heauier, and the others happye case vnder the strainger, must needs seeme to be the better, and consequently his gouernment rather to be wished: for that in very truth the goodnes & defect of euery gouernment, is to be measured by the effects there of, that redound vnto the subiects, for vvwhose good it vvas first ordeyned, as oftentimes our friend the Ciuil lawyer hath touched and proued before. And vvhen the subiects do liue vvell, and prosperously, are defended and maynteyned in peace, safetie, and vvealth, when iustice is done equally to al men, the vvicked punished, and the good aduanced and rewarded: when God is honoured, and true
 Ff religion

religion mainteyned, and vertue promoted, this is that vvhich importeth the realme & subiectes and not vvhether or in vvhether contrye the prince and his officers vvere borne, or of vvhether nation language, or kynred they be. For that, be the prince of vvhether linage or kynred soeuer, yet after he is once established in his dignity, the common subiect, can haue no more conuersation vwith him, nor receaue any more personal benefite of him, then if he vwere a meere strainger, except only by those common and publique effects of his gouernment, before mentioned, for that so soone as he is placed in his dignity, he becommeth a stranger to me, and if he gouerne euell and afflict me, litle auayleth it to me, vvhether he be of my blood and country or no, and I may say as the people of Israel, in like case said vnto Roboam, vvhether for that he vvas king Dauids nephew, and of the house of Isai, thoughte his state assured, for that he vvas their Lord and natural prince, and so might presse and afflict them at his pleasure: but they answered him plainly. *Qua nobis pars in David, vel qua hereditas in filio Isai*, what part haue vve in David, or vvhether inheritance haue vve in the sonne of Isai, and so they left him, and rather chose to be vnder Ieroboam a stranger, and his seruant, then vnder him.

This then is the first pointe, which these men do demaund, to vvit, that vve consider equally and according to reason, wisdome, and truth. & without al partial affection, vvhether & by whō and

Lyle importeth the subiect of vvhether country his gouernour is so he be good.

3. Reg. 12

and by vvhhat gouernment vve are likest to re-
 ceauē, and enioy the good and happie effects a
 boue mentioned, of prosperitie to the subiects
 for that without al doubt (say they) that go-
 uernment is to be deemed best, and that subie-
 ction happiest, vvhē those benifites are most
 enioyed, let the prince or gouernour be of what
 nation or linage soeuer. And on the other side,
 that must needs be the vvorst gouernēt vnto
 me, vvhē I shal reape fewest and participat
 least of those effects, be the prince neuer so
 much my country mā or kinsman, and though
 he were borne in the same citie, towne, or
 house, yea in the same belly with me. As for ex-
 ample those men that liued (say they) in Spaine
 vnder king Peter the cruel, or in Ingland vnder
 king Richard the third, commonly called the
 tyrant, what did it auayle them, that those prin-
 ces vvere of their owne country or blood, seing
 they did that vnto them, vvhich a strainger
 though neuer so barbarous, would scarce haue
 done? As in like manner, al those noble hou-
 ses before mētioned in our country, of the dela
 Pooles, Staffords. Plantagenets, and others de-
 stroyed by king Henry the eight, vvhāt auayled
 them, that the said king was not only their
 country man, but also their neare kinsman,
 vvhāt profit or comodity vvas it vnto Tho-
 mas of woodstock, duke of Gloucester, that he
 liued vnder a king that was his nephew, to wit,
 king Richard the second, or to George duke of
 Clarence, in king Edward the fourthes tyme,

Not the
country
but the
good go-
uernment
impos-
sible.

Note
these
examples

that the said king vvas his owne brother, when both of them vvere pursued, disgraced, and put to death by them, and lost their liues, landes, dignities, goodly possessions, stately manners, & gorgeous houses, vvith their wiues, children, & al other felicities of this world, vvich perhaps vnder a strainge prince, they might haue enjoyed many a fayre day and yeare.

Vvho are
properly
straingers

This is that then vvich these men do first require, to vvitt that al fanſie and fonde opiniõ of the vulgar people, be aparted in this matter, from truth and substance, as also say they, vve ought to desire and determine vvho are properly straingers, or forrainers, ſeing that ſome do take for ſtraingers and forayners, al thoſe that are not of the ſame dominion and gouernement, though otherwiſe they be of the ſame nation, and language, according as thoſe other men that are enemyes to ſtraingers, ſaide a litle before (if you remember) that the princes of the houſe of Guyſe, and their kynred are taken for ſtraingers in france, by them that by that meanes, would make them odious to the people, for that their anceſtors in tymes paſt came out of Lorayne, vvich is a prouince ioyning hard vppon france, of the ſame nation, lãguage, and manners, but only vnder an other prince. And ſo I my ſelfe noted in my traueling throughe Italie, that the Florãtines are hated & called ſtraingers in Siena, vvhere they gouerne, albeit the one ſtate be not 30. myles from the other, and both of one nation language man-

ners and education. And on the contrary side, vve shal se, that some of different language & nation do hold themselves for country men, as for example, the Biscayns in Spaine, do not hold the Castilians for straingers, but are contented to be ruled by them, as by their owne countrey men, albeit they be a different nation and haue different language and manners, and the same I do note in the Britaynes and Normans towards the French, in the welsh also towards the English, vwho are a different people and of different language, and yet are they gouerned peaceably by the English, & the English againe do accompt them for their countrymē, as may appeare by that, vwhen king Henry the seuenth, came to be king of England, I do not finde, any resistance made against him by the English, for that respecte that he vvas of that nation, as euidently he vvas by his fathers side, that vvas of the Tidders of vvailes, so as this pointe also vwho be straingers and vwho be not, seemeth to be a thing that dependeth much of the opinion and affection of each people & nation, the one towards the other.

And this being so, these men come to treat Diuers
more particularly of the purpose in hand, and manners
do saye that in two or three manners a nation of being
may come to be vnder the gouernment of straingers,
getters or forrayners, first as a prouince, that is to
saye as a peece or member of an other domi-
nion, as England vvas in tymes past vnder the
Romans, and as Ireland is vnder England at

this day and as the Brittons are vnder France, and as many states of Italie, be vnder the crownes of Aragon, and Castile. And this may come to passe either by Conquest and force of armes, as the Welsh came to be vnder the English, and the English to be vnder the Normans and Danes, and as Sicilia and Naples came to be vnder the Spaniards, and as Normandy and Aquitaine came to be vnder the French, & as almost al the world in old tyme was brought to be vnder the Romans: or otherwise the same may come to passe by inheritance, as Aquitaine and Normandie in tymes past came to England, & as Flanders vvith the states therof came to the house of Austria, and as Britany to the crowne of France, or els thirdly it may happen by mixt meanes, that is to say, partly by force and partly by other meanes of composition, as Millā came to Spayne, and Ireland to England, according as the Irish do hold, and so Portugal hath in our dayes come to the king of Spaine, for that besides his pretence and right of inheritance, he vsed also force of armes for getting the same.

To be vnder
Strangers by
Conquest.

Of al these three vvayes then euident it is, that Conquest is the hardest, and most preiudicial to the subiects, for that theare, al standeth at the wil and clemency of the Conqueror, vvhom either anger or feare, or ielosie of his assurance, may often driue to hold a hard hand ouer the conquered, at least vvise for a tyme, vntil his estate be better settled, so that I mar-
uaile,

uaile not though no people or country commonly would willingly be conquered, but yet pollicye also teacheth such a Cōqueror, vwhat-soeuer he be, that as on the one side, it beho- ueth him to be watchful & so to fortifie him- selfe, as the vnquiet can do him no hurt, so on the other side, is it necessarie by the same rule of pollicie to vse al fauour and sweete meanes to content & gayne those that be or may be made quiet, for better establisning of his state, euē as a Phisition after a vehement purgation, doth minister lenitiues and softe medicines, to calme and appease the good humors left, and to strenghten the vvhole body againe that it may hold out.

This we see to be true, not only by reason of state and pollicy, as hath bin said, but also by experience of al countries, that haue bin con- quered in Europ or other where, if the conti- nual resisting and reuolting of those that are conquered, do not cause a contrary course in the Conqueror, as it did in the conquest of the Danes and Normands vppon the Inglis h, and in the conquest of the Inglis h vppon the Bri- tis h or Wels h, vvhether the often rysing of them that were ouercome, enforced the vanquishers to be much more cruel and rigorouse thē other vvise they would haue bin, for al our stories do testifie, that king Sweno the Dane and much more his sonne, king Canutus, as also William conqueror, had a great desire after their victo- ries, to haue appeased, and made much of the

How Cō-
querors
doe pro-
ceede to-
wards the
Conque-
red,

Polydor
Virg. lib.
& histor.
Angliz.

English nation, but that they vvere neuer quiet vnder them, and so in like manner the English kings oftentimes gaue their daughters in marriage to the princes of Wales, and many priuileges to that people, therby to gayne them, but that their continual reuolting caused much seuerity and bloodshed to be vsed, and the like seuerity did it cause oftentimes in the very Romans towards the said Britaynes conquered.

Clemencie
of the
Romans.

Lib. 1.
Machab.
cap. 2.

But vvhether the people vanquished vvere content to be quiet and submit themselves, their the said Romans vsed al fauour and moderation, so as it is written of them in the first booke of Machabeis. *Et audiuit Iudas nomen Romanorum, quia sunt potentes viribus, & acquiescunt ad omnia que postulantur ab eis*, that is: And Iudas Machabeus hard the name and fame of the Romans, how they vvere potent in strenght, and yet so gentle, as they yeilded to al that was demaunded at their handes.

And finally their gouernment vvas so iust, considerat, sweete and modest, vppon al forrayne nations, vvhich they had conquered, as it alured diuers nations to desire to be vnder them, and to be ridd of their owne natural kinges, as of the subiectes of Antiochus, and Methridates kings of Asia and of Pontus, vve do reade, and some other princes also therby to gratifie their subiects, did nominate the Roman Empire, for their successor, as did king Artalus king of Pergamus, and Ptolomie of Egypt, and others, and it is the common opinion of lerned men that
the

the world vvas neuer more happelie gouerned, then vnder the Romans, and yet vvere they strangers to most of their subiects, ouer vvhich they gouerned, and vnto whom they were most strangers, that is to say, vnto such as were furthest of from them, to those dyd they vse alwayes most fauoures, and gaue them most priuileges, as bothe wisdome and reason of state did require, for that those people had most ability to rise against them, and to rebell, so as this circumstance of being strangers, hurted them nothing, but rather profited them much.

The like rule of pollicy and of state, haue al great Monarchies vsed euer since, that is to say, to shew most fauour to such subiects, as be most straingers, and fardest from them, and on the contrary side, if any be to be pressed more then others, to presse and burthen them most, that be most natural and neereft home, & most vnder and in subiection, and surest to obey, and this is euidently seene, felt, and practised by al the great states this day of the world, so as it cannot be denied. For if we looke but into france, vve shal finde that the states of Gascony and Guyne, which are furdest of from the court, & were once strāgers & gotten by force, from the English, do pay far lesse tributes at this daye to the French kinge then those that be of the Ile of france it selfe, and are properly french, and in like manner, the Britons, which came to that crowne by marriage, and vvere old enimies, do pay much lesse yet then the Gascoyns, and in a

Strangers
most fa-
uoured to
vwise
gouer-
ments.

Gascoy-
nes.

Britons.

manner do paye nothing at al, and the Normans do pay some what more then any of the two, for that they do lye somewhat neerer to Parris, and therby are more in subiection to the prince, though yet they pay lesse then the natural Frenchmen. The Candians also which is an Iland, a part, and standeth vnder the Venetians, do not pay the third part of the impositions (as by my owne information I lerned when I trauiled Italie) that do the natural subjects of the Venetian state in Italie.

Candians

States of
Italic.

What shal I say of the kingdomes and states of Naples, Sicilie, and Millan, subiect to the king of Spaine, and gotten by conquest, as hath bin said, and yet pay they no one penny of that ancient great imposition vsed in Spaine, called the *Alcaualla* which is the tenth penny of al that is bought and sold, nor are they subiect to the Inquisition of Spaine (at least Naples and Millan) nor to many other duties tribute and impositions vvhich the natural spaniard is subiect vnto, nor is their any law or edict made in Spaine that holdeth in those countries, except it be allowed ratified and confirmed by those states themselves, nor may any of their old priuileges be infringed, but by their owne consents, and when the king requireth any extraordinary subsidies in Spaine, they beare no part therof. Whervvpon these men do aske, vvhat it hurteth these states, that they are strangers, or vnder straingers, or vvhat priueledge is it to the spaniard at home, that he is, only vnder his home

his hom-borne king, if he receaue lesse benefit by that, then doth the strainger.

And is not the like also vsed by the state of ^{The con-} England towards Ireland, are not the fauours ^{dition of} and indulgences vsed towardes the ciuil Irish ^{Irish vn-} that liue in peace much more then to the In- ^{der the} glish themselves in Inglād? For first, their taxes ^{Englilh.} and payments be much lesse, the lawes of England bynd them not excepte they be allowed and receaued by their owne parlament in Ireland. For matters of religion, they are pressed much lesse then home-borne subiects, albeit their affections to the Roman religion, be knowne to be much more vniuersal, then it is in England. In al criminal affayres & punishing of delictes, the manner of proceeding against the Irish is much more remisse milde & gētle, then with the subiects of England, so as their being strangers, semeth rather a priuilege then a hindrance vnto them.

But in no other country is this thing more ^{Of the} euidently to be considered, then in the states of ^{states of} Flanders & low cōntries which by inheritāce ^{Flanders} (as hath bin said) came to be vnder forayne gouernēt but so much to their good & aduancement (& that in a very few yeares) as scarce is credible, except to him that vnderstādeth their former state, vvhē they were vnder their hom-borne princes, & do cōpare it vwith that which after they came vnto, vnder the house of Austria, vnited vnto the crowne of Spaine.

For before, for many hundreth yeares, a man
shal

shal read nothing almost, in their storyes, but warr, sedition, and blood shed among themselves, and this either, one state with an other before they were vnited together, al vnder one prince, or els with the kingdome of France, of whom in those dayes they depended, or els (and this most of al) agaynst their owne Princes, of whom some haue bin so feerce and cruel vnto them, as they haue shed infinite quantity of their blood, and among others, I read of their Counte Luys, that in one day, he put to death, fise hundred of them by sentence of iustice in Bruxelles, and an other day within the same yeare, he caused a bout a thousand to be burned to death in a church of the towne of Neuell, besides infinite others whom in diuers battailes and skirms he slew, so as often tymes the country lay almost desolate, through their domestical afflictions.

Girard du
Hailan
lib. 18. an.
1381.

Prosperity
of Flan-
ders vn-
der the
house of
Austria.

But now since the tyme that the states came to be vnder Phillip the first, Archduke of Austria, and after king of Spayne, and so remained vnder his sonne Charles the Emperour, and his nephew Phillip the second, that now liueth, vntil the late troubles and rebellions (which was about the space of fifty yeares that they so continued in peace before their rebellion) it is almost, incredible how those states increased in wealth, peace, and dignitie, so that as Guycciard in the Italian historiographer noteth, in his description of those countreyes, the whole wealth and riches of the world seemed to flow

Io. Guic-
ciard. nel-
la descri-
tione
delli pasi
bassi.

to flow thither, and I my selfe can remember to haue seene such exceding abundance in very ordinairy men of this country, both for their dyet, apparrel, furniture of house and the like, as was wonder ful, besides that for their nobilitie they were al great Princes, for that euey one had his prouince or great towne in gouernment, which they ruled whith that pompe and honor, as if they had bin absolute lordes themselves, by reason of the farr distance of their supreme Prince, and so they were receaued whith publique honor of al citties and townes & their charges borne wheresoeuer they passed, as such high estates are wont to be.

And albeit they had euer commonly a strain-ger for supreme gouernor among them vnder their kinge, which bare the name to be aboue them, yet did he in deed nothing but as they would haue him, and this partly for that his time of gouernment being but short, he alwaies attended principally to gett the good willes of the people, and to hold them contented, and therby to be grat-ful to his king at his returne home, and partly also for that if he should attempt to do any thing against their myndes and liking, they made reply by their president and Chancelor and other of their owne Councelers, residing for the Flemish nation in the court of Spayne (for this nation hath alwaies a particuler council ther about the king as al other forayne nations also haue, that are vnder him) and by this meanes they obteyned lightly

The authority of the Flemings at home.

lightly what they would, and brought the gouernor to what they pleased, so as in effect they were absolute kings in themselves, & wrought their willes in euery thing, & this in that tyme while the country was quiet.

The indulgence
vsed to
offenders
in Flanders.

But now since their revolt which hath indured almoste these foure or fīue and twenty yeares, what hath succeeded, surely their hath not a quarter so many bin punished, or put to death in al these yeares by order of Iustice of their king absent, as before I haue shewed that there were in one day, by their owne earles and dukes, when they were present, & that vppon far lesse occasion and cause giuen, then are these, for if we take away the two noble men Egmond and Horne, put to death at the beginning of these Flemish troobles by the duke of Alua (for which some men say also that he had no thanke afterward by the king) no man of importance hath bin since executed, and the cheefest townes that haue bin and are agaynst the king in Holland and Zeland, are suffred vntil this day, to traffique freely into Spayne, and yet we know that for a little beginning of a certayne tumult this last yeare past in Spayne, it selfe, to wit in the kingdome of Aragon, many heades haue bin stroken of, and much iustice done, where of then riseth this differēce no doubt for that the Flemmings are strangers & far of, and the other neere at home & natur al borne, so as this cīrcumstance of being a stranger and dwelling far of doth them great pleasure,

pleasure, and giueth them priuilege aboute the
homborne subiects.

The like I might shew for this matter of
punishment in the fore said states of Italie,
where if a mā do compare the number of them
that were put to death pulled downe, or af-
flicted by order of Iustice, and other wise at the
commandement of the Prince, in tyme of their
owne home-borne kings, with that which
hath bin since, especially of the nobility, you
shal not finde one for twenty, and the reason
of this is, for that their owne kings were abso-
lute, and had to giue accompt to no man, of
their doings, and for that they were men, and
had their passions and emulations with the
nobilitie, and might put the same in execution
without accompt or controlment, they pul-
led downe & set vp at their pleasure, and made
oftentimes but a iest of noblemens liues and
deathes, but now these that are gouernours &
viceroyes for a forraine prince, first they haue
not so great authority or comission, as to touch
any such principal persons liues, without
giuing relation therof, first vnto their king &
counsel, and receaue againe particuler order
for the same, and then they knowing that after
their three yeares gouernēt is ended, they must
be priuate men againe, and stay their 40. dayes
as subiects vnder the next new gouernour, to
giue a reconning of their doings against al that
shal accuse them (which in these countreyes
they call to make their residence) they take
heede

The Span-
iard pu-
nif heth
lesse in
Italie thā
neerer
home.

Viceryes
do giue
accompt
of their
gouer-
ment.

heede what they doe, and whom they offend, so as the condition of nobility, is far different vnder such a strainge gouernment, as this is termed, then vnder a natural Prince of their owne country which oppresseth them at his pleasure.

Much
slaughter
of nobili-
ty in In-
gland.

But now to draw neer homward, if we wil examine and considerer what hath passed in Ingland in this point of massacring our nobility, by our domestical Princes, it is a matter lamentable, for it may seeme that they haue serued oftentimes for our Princes to make disport & to play with their heades. And to let passe al those, which in tyme of warres, rebellions, & comotions, haue bin cut of, which occasions may seeme more iustificable, I do read also in our chronicles that, a *Sanguie freddo*, as the Italian sayth, that is to say, in tyme of peace and by execution of iustice, at the Princes appoyntment, these noblemen following and knyghts by name, were put to death, with in the space of one fve yeares in king Henry the fourth his dayes. The duke of Excester, the duke of Surrey, the Archbishop of Yorke, the earles of Salisbury, of Glocester, of Worcester and of Huntington, The earle mowbray earle marshal. The Baron of Kinderton S. Roger Clarington, bastard sonne of Edward the black Prince. S. Thomas Blunt, S. Barnard Rocas, S. Richard Vernon. And agayne soone after vnder king Edward the fourth, in almost which in as litle space. The dukes of Somerset, and of Excester, The earles of Deuonshire, of Oxford

Oxford, and of Keyns. The Lord Rosse, the Lord Molyne, S. Thomas Tudingham, S. Philip Wentworth, S. Thomas fyndam, and many others afterward, (for this was but at the beginning of his reigne (which number of nobility if a man should haue seene them alie together with their traynes, before they had bin put downe, he would haue said they had bin a very goodly company, & pitiful that so many of our owne nobilitie should be brought by our own Princes to such confusion.

But yet this matter may seeme perhapps the lesse maruelous, and more excusable, vnder those two kings, for that troobles and contentions had passed a little before in the realme, about the succession, and heervpon so many of the nobility might be cut of, but let vs see then what ensued afterwards, when thinges were establisshed and al doubt of contention about the succession taken away, as in king Henry the eight his dayes it was, and yet do I finde registred in our chronicles these persons following either made away cutt of, or put downe, by the said king, to wit, two Queenes Anne and Catherin, Three Cardinales put downe and disgraced Wolsy, Poole, and fyszer, vvherof the last vvas behedded, soone after his dignity giuen him in Rome, and the first vvas arrested, the second attaynted of imagined treasons. Thre dukes put downe, to vvit, the noble dukes of Buckingham, Suffolk and Norfolk, wherof the last lost his lands dignities

Execution
of nobility
by Henry the
eight.

and libertie only, the former two both Landes & liues. A marques with two earles beheaded, Deuonshire, kyldare, and Surray, tvvo Countesses condemned, to dye, Deuonshire and Salisbury, and the latter executed: Lordes many, as the Lorde Darcy, the Lorde Hussy, the Lorde Montagne, the Lorde Leonard Gray, the Lord Dacres of the south, the Lord Cromwel, and six or seuen Abbots. Kinghtes also in great number, as five in one day, vvith the Lords Hussy, and Darcy, and five in an other day, vvith the earle of kildare whose vncles they vv ere, and besides them, S. Thomas Moore, S. Rice Griffith, S. Edward Neucl, S. Iohn Neucl, S. Nicholas Carew, S. Adrian fortescue, and diuers other kinghts of great accompt & then gentlemen almost vvithout end.

Vnder
King Ed-
vvard and
Queene
Mary.

And al these within the space of 20. yeares, of his reigne, and in the tyme of peace, and yf we looke vppon but fower or five yeares together of the reigne of this mans children, we shal see the like course continued, for we shal see put to death within the space of foure yeares, al these following by name, The duke of Somerset, the duke of Suffolk, the duke of Northumberland, and the L. Admiral of Ingland, S. Miles Partridge, S. Raphe Vane, S. Michel Stanhope, S. Thomas Arondel, S. Iohn Gates, S. Thomas Palmer kinghtes, vvith diuers other gentlemen of there retinew, and al these by natural, domestical, and homborne Princes, whereas I dare to aduenture, the greatest
vvager

wager that I can make that you shal not finde so many put to death of the nobility, by any strainge Prince, state, or common wealth christian, in any forrayne dominion that they possesse, in many ages together, and the reason therof is euident, by that I said before, neither were it pollicy or wisdome, nor could the causes be so often, nor ordinarily giuen by the nobility to a Prince that were absent from them to vse suche seueritie, so as by this it may also appeare, that to be vnder a forraine gouernment euen in the woorst kinde therof, that can be deuised, which is to be as a prouince or peece of another kingdome, and to come vnder it by very conquest it selfe, is not so dangerous a matter, as at the first shew it may seeme, and much lesse to be vnder forraine gouernment, by other sweeter meanes of succession, or composition, as the present case of England seemeth to import, in respect of those foraine Princes which do pretende to the succession therof.

And this is not only shewed and declared by the state and condition of Flanders, before their tumultes, but in like manner it is seene, by the present state of Britanie, Normandie, Aquitaine, Prouence, and other dukedomes and countries in France, that were wont to haue their owne particuler Princes, and novv are much more commodiously, vnder the crowne of France. The like is seene by the states of Naples, Millan, Sicilie, Sardinia & other parts and countreyes of Italie, which were wont to be

States go-
uerned
happely
by forray-
ne Prin-
ces.

vnder kings and Princes of their owne, and
 now are vnder the crownes of Aragon and
 Castile, with infinite oddes of peace, rest, secu-
 rity, and welth, then they were before when
 they had domestical Princes, and so themselues
 do confesse, I meane the wise & dis-passionate
 among them, (for of the vulgar in this case
 no accompt is to be made) and if they should
 deny it, yet the thing speaketh it selfe, and the
 publique stories of their countreyes would
 conuince them, wherein it is to be read, what
 Phalaris, what Dionisius, & other homeborne
 tyrants, Sicilie (for example) hath had and
 suffred, and what infinite crueltie they and
 diuers others of their owne gouernours, haue
 exercised vppon them, as also what continuall
 turmoyles there were in the cittie of Naples &
 in all that kingdome for many yeares toge-
 ther, after it fel from the gouernment, first of the
 Roman Empire, and then of the Grecian, vntil
 it came to the crowne of Aragon, I meane
 betweene their owne domestical kings, now
 of the bloode of Italians, now of the Normans,
 now of the Hungarians, & now of the french,
 (for of al these lines, their haue reigned among
 them) and the realme was a perpetual pray to
 souldiars, and the very like may be said of Mil-
 lan, after their fal from the Roman Empire,
 (vnder which they liued quiet & prosperously)
 vntil they came againe to be vnder the crowne
 of Spayne, they passed infinite tribulations, first
 by the contention of their common people
 against

Old affi-
 ctions of
 Naples &
 Millan.

against their nobility, and then by the bloody falling out of their chiefe families, the one against the other, to wit the *Furiani, Visconti, Marcelli, Mirabelli, Castilioni*, and *Sforzi* (which familie last of al preuayled) he I say that I shal remember this, and then behold the present state with the quiet peace, saftie, and riches wherein they now liue, wil easely confesse, that they haue changed for the better, though they be vnder forraine gouernment, and thus much of this pointe.

Their remayneth to speake a woord or two about the second part of the question, before proposed and included partly in this which already hath bin treated, to wit, whether it be better to be vnder a little or great king, which question though it may be decided in parte by that which before hath bin alleaged, about being vnder a forraine Prince, yet more particularly to make the same playne, these men do saye, that the reasons be many and euident to proue, that the subiection to a great & mightie monarch, is far better: first for that he is best able to defend and protect his subiects, and secondly for that he hath least need ordinarily to pill and pole them, for that a little king, be he neuer so meane, yet must he kepe the state of a king, and his subiects must maynteyne the same, and if they be but few, the greater vvil the burthen be of euery one in particuler, and thirdly, for that a great and potent Prince, hath more to bestow vppon his subiects for reward

Whether
a great or
little
Prince be
better.

of vertue and valour; then hath a poore Prince, and seeing that euery particuler subiect, borne within his Princes dominions, is capable of all the preferments vvhich his Princes state or kingdome do yeeld, if he be worthy of the same, it is a great prerogatiue (say these men) to be borne vnder a potent Prince, that hath much to giue, vvhich they declare by this example follovyng.

An exam-
ple to
shew the
former
differece.

A man that is borne in the citie of Genua or Geneua (for both are cityes and states within themselves) (let him be of vvhath ability or worthines soeuer, yet can he hope for no more preferment, then that common vvealth and state can giue, and if their should be many vworthy men borne their at one tyme, then were this his condition vvoorfe, for then must he part also vvith other men, though their were not sufficient for himselfe, and the most he could aspire vnto, if he vv ere an ecclesiastical man, were the greatest benefice within that state; and on the other side, if he vv ere a temporal man, he could not hope for much, for that the state hath it not to bestow, but an other that is borne vnder a great monarch, as is the king of France or Spayne, in these our dayes, that hath so many great bishoprickes (for example sake) and other spiritual lyuings to bestow vppon the cleargie, and so many high gouernments and employments, both of vvarre and peace, to giue vnto temporal men that can deserue the same; this man (I say) hath a great

great aduantage of the other, in respect of preferment at this day, but much more was it in old tyme, to be borne vnder the Romā Empire, when it had the preferments of al the vworld to bestow, for that euery subiect therof, vvas capable of al the said preferments, so far fourth as he could make himself vvorthy, and deserue the same. For better explicatiō of vvwhich point yet, I haue thought good to cite in this place, the woordes of a certaine learned kinght, that in our dayes hath written the liues of al the Roman Emperors, and in the life of one of them, that vvas an excellent gouernour, named *Antoninus Pius* the said kinght hath this discourse ensuinge.

Pedro Mexia en
vit. de
Antoni-
no Pio.

Their vvas in this mans gouernment (said he), great contentment and ioye on al hands, great peace and quiernes, and very great iustice, and truly it is a thing vvorthy in this place to be considered, what vvas the humane power and how infinite the forces of the Roman Empire at this day, and how great vvas the libertie quietnes, securitie, welth and contentment of the subiects that liued vnder that gouernment, when good Princes had the menagingetherof, as vvas this Antoninus and his sonne Aurelius, that followed him, and as vv ere Adrian, Traian and diuers others. What a thing was it to see their courtes frequented freely, by al the noble valiant and lerned men of the vworld, to see the vnion and frendly dealing of different nations together, when al serued one Prince, so as a

The felicity of
the Romā
gouernēt

man might haue gone ouer the vvhole vvhorld,
 or most and beste partes therof, vvith al se-
 curity, and vvithout al feare, al nations and
 countreyes being their friends, neyghbours,
 or subiects, nether vvvas their neede at that
 tyme of any passports or safeconductes, nor
 of so often change of coyne, to trauaile, as nowe
 their is, nether yet were their new lawes euery
 foote, as now be founde in different countryes,
 neither vvvas their danger of enimies, or to be
 taken prisoners, and captiues, nor could any
 malefactor do a mischief in one country and
 flie into an other, ther-by to be free from pu-
 nishment, and he that was borne in the very
 Orcades or furthest parte of Europe was at
 home thoughe he vvwere in Africa, or Asia, & as
 free denizen as if he had bin borne their, mar-
 chants also might passe at that daye from
 country to country, vvith their marchandize,
 vvithout particuler licences or feare of forfeits,
 and finally the temporal state of a subiect vvvas
 vvonderful happy, at that tyme.

Thus far discourseth that learned knight, &
 no doubt but that his discourse and considera-
 tion is founded in great reason, and he that
 vvill leaue at this day, the many commodities,
 of being vnder a great and potent Prince, (if it
 lye in his owne hands to chuse) for this only
 circumstance that he is not borne in the same
 country vvith him, is a man of smale iudgment
 and capacitye in these mens opinion, and mea-
 sureth matters of publique vtility, vvith a
 false

false vvaight of fond affection,

And thus much may be sayd of the first waye of being vnder strangers and forayne gouernment, which is that, which vulgar men do most abhorre and inueigh against, to vvit, to be vnder a forraine Prince, that liueth absent and ruleth by his gouernours.

But besides this, there is an other manner of being vnder a forraine Prince, as vvhen an allien Prince cometh to dwel among vs, and this by either of two vvayes, to vvit, that either this Prince cometh without forces, as did king Stephen, and king Henry the second, that were frenchmen, as hath bin saide, and came to liue and gouerne in England, but vvithout external forces: and as king Phillip of Spayne, came afterwards when by marriage of Queene Mary he became king of England: and as the last king Henry the third of France vvent into Polonia, by the free election and inuitation of that nation, and as his brother Monsieur Francis duke of Alençon, should haue entred aftervvard to haue bin king of England, if the marriage pretended betweene her maiestie and him had gone forvvard and taken effect, as many thought once that it should. This I say is one way, and an other is, that this Prince do bring forces vvith him, for his owne assurance, and these either present, as the Danish kings *Sveno*, *Canutus*, *Haraldus*, and *Hardicanutus* did, and as after them the Norman Princes also vsed, I meane not only William Conqueror,

The second
vvaye of
being vnder a for-
raine
Prince.

himselfe, but also his two sonnes Willia^m Rufus, and Henry the first, who either by help of the Normans, al ready in England, or by others brought in by them afterward, vvrought their vvil, or els that this Prince so entring haue foraine forces, so at hand, as he may call and vse them vvhen he vvil, for that they haue no sea to passe, vvwhich is the case of the king of Scotts, & of both these waies these men do giue their sentence distinctly.

A forray-
ne Prince
vvithout
forces not
preiudi-
cial.

For as concerning the former vvay, vvhen a forraine Prince entereth vvithout any forces at al, and with intention to liue among vs, they hold, that there is no danger, nor yet any in-
cōuenience can iustly be feared: for that in this case he subiecteth himselfe, rather to the realme, and nation, then they to him, and if he liue and marry in England, both himselfe and his children, wil become English in a little space. And for his owne assurance he must be enforced to fauour, and cherish, and make much of the English nation, and be liberal gentle, and frendly to al, for gaining their good willes and frendship. And in one very great and important pointe, his condicion is different, and better for the English, then any English kings can be, which is, that he entreth vvith indifferent mynde towards al men, hath no kynred or alliance within the land, to whom he is bounde, nor enemye against whom he maye be inticed to vse cruelty, so as only merit or demerit of each mā, must moue him to fauour or disfauour,

Note this
vtilitie of
a forrayne
king.

disfauour, which is a great foundatiō (say these men) of good and equal gouernment.

Agayne they say, that in respect of the state present of Ingland, and as now it standeth, and for the publike good not only of the common subiects, but also of the nobility, and especially and aboue others, of the English competitors and pretendors that cannot all speede, no vway vvere so commodious, as this to auoid bloodshed, to wit, that some external Prince of this tyme, should be admitted vppon such compositions and agreements, as both the realme should remayne whith her ancient liberties, and perhaps much more then now it enioyeth (for such Princes commonly & vppon such occasions of preferment, vwould yeeld to much more in those cases then a homeborne Prince vwould) and the other pretendes at home also, should remayne vvhich more security then they can wel hope to do vnder any English competitor, if he come to the crowne, who shall be continually egged on by his owne kynred, and by the auersion emulation and hatred, that he hath taken alredy by contention against the other opposite houses, to pul them downe, and to make them away, and so we haue seene it by continual examples, for many yeares, though no occasion (say these men) hath euer bin offred to suspect the same so much as now, if any one of the home English blood, be preferred before the rest, and this is so much as they say to this second kinde of being

The mā-
ner of
forayne
Prince
more cō-
modious
for the
present

A third
way of
being vn-
der for-
raine go-
uerment

being vnder forrayne Princes. To the third, they confesse, that it standeth subiect to much danger, and inconuenience, to admit a forayne Prince, to liue among vs, with forces, either present or so neere, as that without resistance he may call them when he listeth, and of this their needeth no more prooffe (say these men) then the examples before alleaged of the Danes and Normans, and the misery and calamity which for many yearee, the English passed vnder them, and further more the reason heerof is euident, say these men, for first in this third kinde of admitting a strainger king, we are depriued by his dwelling amongst vs, of those vtilities before mentioned, which Ireland, Flanders, Britanie, Naples, and other states, enioy by liuing far of from their Princes, which commodities are, much more libertie, and freedom, lesse payments, lesse punishments, more employments of the nobility and others in gouernment, and the like. And secondly, by his comming armed vnto vs, we cannot expect those commodities, vvhich before I touched in the second kynd of forraine gouernment, but rather al the incommodities and inconueniences that are to be found either in domestical or foraine gouernments al (I saye) do fall vppon this third manner of admitting a stranger, as easily shalbe scene.

For first of al the greatest incommodities that can be feared of a domestical Prince, are, pride, crueltie, partiality, pursuing of factions,

and

and particuler hatred, extraordinary aduanſing of his own kynred, preſſing, pynching, and ouer rigorous puniſhing of his people, without feare, for that he is euer ſure of his partie to ſtand whitth him within the realme, and ſo hath he the leſſe reſpect to others, and for that al theſe inconueniences, and other ſuch like, do grow for the moſt part, by the Princes continual preſence among his ſubiects, they are incident alſo to this other, though he be a ſtrainger, for that he is alſo to be preſent, and to liue among vs, and ſo much the more eaſely he may fall into them, then a domeſtical Prince, for that he ſhal haue both external coũcel of a people that hateth vs, to prick him forward in it, as alſo their external power to aſſiſt him in the ſame, which two motiues euery domeſtical Prince hath not.

Dangers
of dome-
tical go-
uerment.

Agayne they ſay, that the worſt & greateſt incommodities of a forraine gouernment, that may be feared, are, tyranny and bringing into ſeruitude, the people ouer whō they gouerne, and filling of the realme with ſtraingers, and deuiding to them, the dignities, riches and pre-ferments of the ſame, al which they ſay, are incident alſo by al probability to this third kinde of forraine gouernmēt, where the Prince ſtrainger lyueth preſent and hath forces at hand to woorke his vvil, and this is the caſe, ſay they, of the king of Scotts, who only of any forraine pretender, ſemeth may iuſtly be feared, for theſe and other reaſons alleaged before, when we talked

Inconue-
niences
of this go-
uerment.

we talked of his pretence to the crowne.

Strang
gouer
nours de-
sired in
some Re-
almes.

To conclude then, these men are of opinion, that of al these three manners of being vnder straingers, or admitting forraine gouernments, this third kynde peculiar as it vvere to the kinge of Scottes case, is to be only feared, and none els, for as for the second they say that it is not only not to be feared, or abhorred, but rather much to be desyred, for that of al other sortes, it hath the least inconueniences, and most commodities, for which causes, we read and see, that wher kings goe by election, commonly they take straingers, as the Romans and Lacedemonians did often at the beginning, and after the beginning of the Roman Monarchie, their forraine borne Emperors, were the best and most famous of al the rest, as Traian and Adrian that were Spaniards, Septimius Seuerus borne in Africa, Constantine the great natural of England, and the like, and the very woorst that euer they had, as Caligula, Nero, Heliogabolus, Commodus, and such other like plagues of the weale publique, were Romans, and in our dayes, and within a few yeares, we haue seene that the Polonians, haue chosen three kings straingers, one after an other, the first Stephen Battorius Prince of Transilvania, the second Henry of France, and last of al the Prince of Swecia, that yet liueth, and the state of Venetians by way of good pollicy, haue made it for a perpetuall Law, that when they haue warr to make, and must needs

choose

choose a general Captayne, and commit their forces into his handes, he must be a stranger, to wit, some Prince of Italie, that is out of their owne states, heerby to auoyde partiality, and to haue him the more indifferent, and equal to them al, which yet so many prudent men vvould neuer agree vppon, if there vvere not great reason of commodities therin, so as this point is concluded, that such as speake against this second kinde of hauing a forrayne Prince, speake of passion, or inconsideration, or lacke of experience in matters of state and common vvealthes.

As for the first manner, of being vnder foraine gouernment, as a member or prouince of an other bigger kingdome, and to be gouerned by a deputie, viceroy or strange gouernour, as Ireland, Flanders, Naples, and other states before mentioned be, vvith certayne and stable conditions of liberties, and immunities, and by a forme of gouernment agreed vppon on both sides, these men do confesse also, that their may be arguments, reasons, and probabilities alleaged on both sides, and for both parties; but yet that al things considered and the inconueniencies, hurtes, and dangers before rehearsed, that subiects do suffer also oftentimes, at the handes of their owne natural Princes, these men are of opinion, for the causes alredy declared, that the profittes are more and far greater, then the damages or dangers of this kynde of forrayne gouernmēt are, and so they do answere, to
al the

al the reasons and arguments alleaged in the beginning of this chapter, against forraine gouernment, that either they are to be vnderstood and verified only of the third kinde of forraine gouernment before declared, (which these men do confesse to be dangerous) or els they are founded for the most parte, in the error and prejudice only of the vulgar sorte of men, who being once stirred vp, by the name of stranger, do consider no furder vwhat reason or not reason, there is in the matter, and this say these men, ought to moue vvise men litle, for as the common people did ryse in tumult against the french (for example) in *Sicilia*, and against the Inglish in France, and against the Danes in Ingland, so vppon other occasions, would they do also against their owne countrymen, and often tymes haue so done, both in Ingland & other wher, when they haue bin offended or vvhen seditious heades haue offred themselues to leade them to like tumults, so that of this they say litle argument can be made.

The answer to objections against forrayne gouernment

Answer to the Grecian Philosophers and orators.

The like in effect they do answer, to the examples before alleaged of the Grecian Philosophers and orators, that were so earnest against strangers. And first to Aristotle, they say, that in his politiques he neuer handled expresly this our question, and consequently weyghed not the reasons on both sides, and so left it neither decided, nor impugned, and he that vvas master to Alexander, that had so many forraine countries vnder him, could not wel condemne the
same

Yame: and as for Demosthenes no maruaile though he were so earnest against king Phillip of Macedonia his entry vppon the citties of Greece, both for that he was wel feede on the one side, by the king of Asia (as al authors do affirme) to the end he should set Athens and other Grecian citties against king Phillip, as also for that his owne common wealth of Athens vvas gouerned by populet gouernment wherein himselfe held stil the greatest svvaye by force of his tonge with the people, and if any king or Monarch of what nation soeuer, should haue come to commaund ouer them, (as Phillipps sonne king Alexander the great did, soone after) Demosthenes should haue had lesse authority, as he had, for that presently he was banished, and so continued all the tyme that Alexander lived. But if vve do consider how this state of the Athenians passed afterward vnder the great monarchy of Alexander and other his followers, in respect that it did before when it liued in libertye, and vnder their owne gouernment only, he shal finde their state much more quiet, prosperous, and happie, vnder the commandement of a strainger, then vnder their owne, by whom they vvere continually tossed and turmoyled with bralles, emulations, and seditions, and oftentimes tyrannized, by their owne people as the bluddy contentions of their Captaines Aristides, Themistocles, Alcibiades, Pericles, Nicias, and others do declare, and as it is euident amonge other

The trou-
blesome
state of
the Gre-
cian cit-
ies.

Arift. 1. 2.
polit. c. 1.
312.

things by their wicked lawv of *Ostracismus* which vvas to banish for ten yeares, vvho-
soever were eminent or of more vvifdome,
vvealth, valour, lerning or authority among
them then the rest, albeit he had committed
no crime or fault at al. And finally their hauing
of thirtie most horrible and bloody tyrants at
one time in their citye of Athens, in steede of
one gouernour, dothe euidently declare the
same (saye these men) and do make manifest
how vaine and foolish an imagination it was;
that vexed them how to auoyd the gouernment
of straingers, seing that no strainge gouernour
in the vvorld, vvould euer haue vsed them as
they vsed themselues, or so afflict them, as
they afflicted themselues.

Answer
to the ob-
iectiō out
of Deu-
tronomye

Deut. 15.

To the obiection out of Deutromy vvher
God appoynted the Iewes to chuse a king only
of their owne nation, these men do answere,
that this was at that tyme, when no nation be-
sides the Iewes had true religion amonge them;
which pointe of religion, the Ciuilian hath
wel declared before, in his last discourse, to be
the cheifest and highest thing that is to be res-
pected, in the admission of any magistrate, for
that it concerneth the true and highest ende of
a common vvealth, and of al humane society,
and for that the Gentiles had not this orna-
ment of true religion, but were al destitute ge-
nerally therof, the Iewes were forbidden not
only to choose a king of the Gentiles, vvwhich
might peruert and corrupt them, but also to
compa-

companie conuerse or eate and drinke vvith them, and this vvas then : but yet aftervvard vvhen Christ himselfe came into the vvorld, and opened his church both to Iew and gentile, he tooke away this restraynte, so as now all Christian nations, are alike, for so much as apperteyneth vnto gouernment. And cōsequently to a good and wise Christian man, void of passion and sonde affection, it litle importeth (as often before hath bin said) of vvhat country, nation, or linage his gouernour be, so he gouerne wel, and haue the partes before required of pietie, religion, iustice, manhoode, and other the like requisite to his dignitie degree and charge, by which partes and vertues only, his subiects are to receaue benefits, and not by his country, generation, linage or kynred, and this is so much as I haue to say at this tyme about this affaيرة.

OF CERTAYNE
OTHER SECONDARY
AND COLLATERAL LINES AND
*how extreme doubt-ful all these pretences be, and
which of al these pretendours are most like
to preuaile in the end, & to get
the crowne of Ingland.*

CAP. X.

After the lawyer had ended his discourse, about forraigne gouernment, he seemed to
Hh 2 be som-

be somewhat wearied, and said he would passe no further in this affaire, for that he had nothing els to saye but only to note vnto them that besides these principal titlers, of the five houses mentioned, of Scotland, Suffolke, Clarence, Britanie and Portugal, their were other secondary houses and lines also issued out of the houses of Lancaster and Yorke, as also of Glocester Buckingham, and some other, as may appeare by the genealogies set downe before in the 2. and 3. chaptres, of which lines (sayd he) their may be perhapps consideration had also by the common wealth when tyme shal come of choise or admission, the matter standing so as the Ciuillian hath largely declared & shewed before, which is, that vppon such iust occasions, as these are, the common vwealth may consult what is best to be done, for her good and preservation, in admittinge this or that pretender, seing that this is the end why al gouernment was ordeyned, to benefite the publique.

Secōdary
Lines.

And for so muche as their is such variety of persons pretendēts, or that may pretend, in the five houses alredy named, as before hath byn declared, (which persons at least do make some dosen more or lesse) and that besides these, their want not others also of secondary houses, as is euident as vvell by the former discourse, as also by the arbor that of these matters is to be seen, the lawyer turned to affirme againe, that the euent must needes be excedinge doubtful, who shall

shall in the ende preuaile, for that besides the multitude before named of pretenders, he a-
 nouched very seriously, that after al this his
 speech, he could not vuell resolue with him
 selfe, vvhich of al these titles in true right of
 succession, was the best, and much lesse, which
 of the tytlers vvas likest to preuaile, and this I
 presume the lawyer told them of himselfe, for
 that he did easely forsee and imagine, that after
 al these arguments, on euery side alleaged, he
 should be requested by the company (as vche-
 mently he vvas) to put downe his opinion what
 he thought and iudged of al the whole matter
 hitherto discussed, and of euery mans pretence
 in particuler.

Ambi-
 guite of
 preuailin-
 ge.

Which in no case he could be brought to do
 for a longe tyme, but refused the same vtterly
 and craued pardon, and yeilded many reasons
 why it was not cōuenient, & might be odious.
 But al would not serue to acquiet the compa-
 ny, which with all earnest importunitie vrged
 hym to satisfie their request, & so vppon large,
 and earnest intreaty, he vvas content in the
 ende to yeeld to this only, that he would lay
 together by way of discourse, the probabilities
 of euery side, and lastly set downe in two or
 three propositions, or rather coniectures, his
 priuate ghesse vvhich of them in his iudgment
 vvas likest to preuaile.

First then he began to say, that the probali-
 ties of preuailing or not preuailing of euery
 one of these pretendors in the next succession,

Two
 groundes
 of proba-
 bilitie of
 preeding.

Hh ; of the

of the crowne of Ingland these pretendors, maye be considered and measured either in respect of the partie of religion, that vvas like in Ingland to fauour him, and his pretence, or els in respect of his owne particuler familie, friends, and allies, both at home and abroad. And for that the partie of religion is like to weigh most, and to beare the greatest swaye, and most potent suffrage and voice, in this action, and that with reason, according to that the Ciuilian hath proued at large in the last of his discourses: therefore shal I also (quoth the lawyer) first of al treat of this pointe of religion in this my last speeche.

Three religions in
Ingland.

It is wel knowne (said he) that in the realme of Ingland at this day, there are three different and opposite bodies of religion, that are of most bulk, and that do carry most sway, and power, which three bodies, are knowne commonly in Ingland by the names of Protestants, Puritanes, and Papistes, though the later two, do not acknowlegde these names, and for the same cause would not I vse them neither, if it vvere not only for cleernes and breuities sake, for that as often I haue protested, my meaning is not to giue offence to any side or partye.

These three bodies then (quoth he) do comprehend in effect al the force of Ingland, and do make so general a diuision and separation, through-out the whole lande, in the hartes & myndes of their friends, fauourers, & followers, as if I be not deceaued, no one thing is lyke so much

much to be respected, in each pretender, for his advancement or depression, as his religion or inclination therein, by them that must assist him at that daye, and are of different religions themselves. And more I am of opinion (sayd he) that albeit in other changes heertofore in England, as in the entrance of king Edward and Queene Mary, and of this Queenes Maiestie that now is, diuers men of different religions, did for other respects, concur and ioyne together for these Princes advancements, (notwithstanding that afterwards many of them repented the same) which is to be seene, in that for king Edward al the realme without exception did concurr, and for Queene Mary, it is knowne, that diuers protestants did by name, & among other points it is also knowne that Sir Nicholas Throgmorton a feruent protestant in those dayes, being of king Edwards priuy chamber, dyd not only, aduise her of the sycknes and decay of king Edward from day to day, but also was the first that sent an expresse messenger to aduise her of her brothers death, and vwhat the two dukes of Northumberland and Suffolke, did contriue against her, and that with such celeritye, that king Edward dying but on thursday night, the tenth of Iuli the Lady Mary was most certainly, aduised therof, by saterday morning next, and that very early, in kenninghal castle of Norfolke, 80. miles of, and diuers other protestants did assist her also, in that her entrey, as in like manner al those of the Roman

The greater importance of religion in this actions.

religion, without exception, did assist her ma^{tie} iestie that now reigneth, after the discease of the said Queene Mary and this vvas then.

The next
change
like to be
difficult
& vwhy.

But now am I of opinion, that matters vvil
fal out farr otherwise, at the next change, and
this partly peraduenture, for that the titles of
succession in the pretenders, are not so cleere,
but rather much more doubtful now, then
they were then, and partly (or rather principal-
ly) for that men in tyme are come to be of more
resolution and determination in matters of re-
ligion, and by contention and pursuing one
the other, are become more opposite and ene-
myes, and more desirous of reuenge, and further
also then this, those that be of milder conditiō,
and haue not these passions in them, yet by
reason and experience they do see the great
absurdity and inconuenience that ensueth, by
that a man of one religion, should giue ayde
to the aduancement of a Prince, of a contrary
religion, to that which himselfe doth esteeme
and hould for only truth, which in him that so
doth, cannot be denied, but that it is a pointe of
litle zeale at the least, if not cōtempt of God &
of religion, or of playne atheisme, as others vvil
call it. And moreouer, I remember that the Ci-
uilian before in the ende of his speech, inuei-
ghed also much against this point, and shewed
that besides lack of conscience and religion, it
was in like manner agaynst al humane wis-
dome & pollicy, to fauor a pretender of a diffe-
rent religion from him self, and this for diuers
reasons,

reasons,, that he layed downe, which reasons I confesse preuayled much with me, and I do allow greatly of that his opinion and assertion, which auerted that the first respect of al others ought to be God and religion in this great as- sayre, of making a kinge or Queene, and that vvithout thys, no title vvhatsoever ought to preuaile or be admitted, by christian men, and that the cytties of France, at this day do not amisse but iustly and religiously (so long as they are of that religion that they are) to stand agaynst the king of Nauarra, (though other- wise by discent they do confesse his title to be cleare and eudent) for that he is of contrary re- ligious to them.

Wherefore seing that the very same case is like or rather certayne to ensue one day in In- gland, and that it is most probable, that each partie of the realme wil stand most vppon this pointe, that is to saye vppon the defence and aduancement of their religion, and of such a king, as shalbe knowne to fauour the same that themselues be of, let vs examine a little if you please quoth he, what force and abili- tie each of these three bodies, of religion now mentioned, is like to be of, at that day in In- gland, for effectuating or promoting this pur- pose of a new king.

And first to beginn with the protestant, as with him that hath the sway of authority and present power of the state in his fauour, no doubt but that his force wilbe also great, at

The con- sideration of the protestant partie.

H h 5 that

that day (sayd he) and especially if he can conceale for a tyme, the disceasse of her Maiestie, vntil he may be able to put his affaires in order, but this is holden to be either impossible or very hard, for the different iudgments and affections which are not thoughte to be wanting in the court councel, and Princes chamber it selfe, wherof we saw the effect, (as before I told you) at the death of king Edward, which was as much indeuoured to be kept secret, as euer any was, and as much it imported the concealers, and yet within not many houres after, had the Lady Mary, most certayne notice therof, by those that were opposite to her in religion, as I haue shewed before, so ardent are mens myndes in such occasions, & so capable of new impressiōs designemēts & desires, are al kinde of subiects vppon such great changes.

The Clergie.

A chiefe member of the protestant body (as you know) for wealth and force, is the cleargie of England, especially the bishops and other men in Ecclesiastical dignity, which are like to be a great backe to this partie, at that day, though some men thinke that it be not very certayne, which part of the nobilitie and councell will stick vnto them, for that many in hart are presupposed to fauour the Puritan. And for the priuy coucell in particuler, though during the Princes life, their authority be supreme, yet is it not so afterward, nor haue they any publique authoritie at al, the Prince hauing once expired, but only as noblemen or gentlemen

The Coucell and nobilitie.

gentlemen according to each mans state and calling in seuerall, and for the next successor, seing none is knowne nor sworne in the life of this Prince, (nor were it her safetie that any should be) cleere it is, that after her Maiesties discease, euery man is free vntil a new be established, by the common wealth, which establishment doth not depēd vppon the appoyntment or wil of any few, or vppon any mans proclayming of himselfe, (for diuers are like to proclayme themselues) but vppon a general cōsent of the whole body of the realme, which how it vwill be brought to passe, God only knoweth, & to him we must commende it.

I do not know, quoth he, of any certaine person pretendēt, to whom this protestant partye is particularly deuoted, at this day, more then to the rest, though the house of Hartford was wont to be much fauoured by them, but of latter yeares little spech hath bin therof, but rather of Arbellā, whom the Lord Treasureris sayd especially to fauour at this present, though for himselfe it be held somvvhāt doubtful whether he be more fast to the protestant, or to the puritan, but if the protestant partye, should be deuided, then their forces wilbe the lesse. The authority of her maiestie is that which at this present ouer beareth al, whe that shal sayle, no man knoweth what the euent vvilbe, for that now mens hartes are hardly discerned.

Persons
designed
or fauoured
by
the protestant
partie.

There forrayne friends and allies, are of good number,

Foraayne
friends of
the pro-
testants.

number, especially if the king of France proceed well in his affayres, and do not in deede change his religion as he pretendeth that he wil, but yet if the puritan do stande against them, he is like to pull much from them, both in France and Holland, and as for Scotland, it must needes be agaynst them both, and this in respect of his owne pretence, except the same be fauoured by them, I meane by these two factions in England which is hardly thought that any of them both wil do, for the reasons before alleaged, though some more hope may be that way, of the puritan, then of the protestant, by reason of the said kings neernes to them in religion.

Of the
party Pu-
ritan.

The puritan is more generally fauoured through-out the realme with al those vvhich are not of the Roman religion, then is the protestant, vppon a certayne general perswasion, that his profession is the more perfect, especially in great townes where preachers haue made more impression in the artificers, and burgesses, then in the country people. And among the protestants, themselves, al those that are lesse interessed in Ecclesiastical liuings or other preferments, depending of the state, are more affected commonly to the puritans, or easily are to be induced to passe that way for the same reason. The person most fauoured by the puritans hitherto in common voice and opinion of men, hath bin the earle of Huntington, some speech of late of some diminution therin.

Persons
affected
by the
Puritans.

therin, and that the Lord Beacham since his marriage, hath entred more in affection with them. The king of Scotts (no doubt) if he were not a strainger, and had not the difficulties before mentioned, were for his religion also very plausible. I do not heare that the earle of Darby or his mother, is much forward with these or with the protestant, though of the later sort, some are supposed to vvish them vvell.

External
friends.

The frendes & allies of the puritan abroad, are the same, that are of the Protestant, to wit, those of Holland and Zealand, and such townes of France as follow the new king, and ioyntly haue chainged their religion, which are not many, for that his greatest forces are yet those of the Roman Religion, but yet if the sayd king preuaile and perseuer in his religion (which of late as I haue sayde is called in doubt by his often protestations to the contrary and open going to masse) then wil he be able to giue good assistance, though both these cuntryes (I meane both Holland and France) are liker in some mens opinions, to assist the puritan then the protestant, if the matter come in difference betweene them, for that in truth they are more conforme to the puritan religion. And as for the German citties, that kepe yet and follow the particuler forme of Luther in religion, they are like to do little for either partye, both for their difference from both parties in religion, and for that they are poore,
for

Lutherans

for the most part, and not active nor provided to giue succur abroad, except they be drawne thervnto by force of money.

The Puritan at home.

The Puritan parte at home in Ingland, is thought to be most vigorous of any other, that is to say, most ardent, quick, bold resolute, and to haue a great part of the best Captaines and souldiers on their side, which is a pointe of no smal moment. Greatly wil import among other poyntes which waye inclineth the citie of London, with the tower, wherof the puritan (as is sayde) wanteth not his probability, as neither doth he of some good part (if not more) of the nauy, to be at his deuotion, which point perhapps at that day, vvilbe of as greate consequence as any thing els, & so much of him.

Those of the Roman Religion.

The third body of religion, which are those of the Roman, who cal theselues Catholiques, is the least in shew, at this present, by reason of the lawes and tydes of the tyme, that runne agaynst them, but yet are they of no smal consideration in this affaire, to him that weigheth thinges indifferently, and this in respect as wel of their partye at home, as of their friends abroad, for at home, they being of two sortes as the vworld knoweth, the one more open that discover themselves, which are the recusants, and the other more close and priuy, that accommodate themselves to al external proceedings of the tyme, and state, so as they cannot be knowne, or at least wise not much touched: we may imagine, that their nūber is not smal, through

throughout the realme, and this partly for the reason I mentioned before, in that the most part of the country people, that live out of cities, and great townes (in which the greatest part of English forces are wont to consist) are much affected ordinarily to their religion, by reason that preachers of the contrarie religion are not so frequent with them, as in townes, and partly also for that with these kinde of men, as with them that are most afflicted and held downe, at this tyme, by the present state, many other do ioyne (as the manner is) & omnes qui amaro animo sunt, cum illis se coniungunt, as the scripture sayd of those, that followed Dauids retinew, pursued by Saul and his forces, which is to say, that al that be offended greued, or any way discontented with the present tyme, be they of what religion soeuer, do easely ioyne with these men, according to the old saying *Solatium est miseris socios habere miseria*, besides that, their is euer lightly a certaine natural compassion, that followeth in men, towards those that are thought to suffer, or be pursued, and this oftentimes in the very enemye himselve, and then of compassion springeth as you know affection, and of affection, desire to helpe, as contrarywise, do rise commonly the contrary effects, to vvitt, emulation, enuy and indignation, against the prosperity of him, that pursueth, and is in prosperitie.

And for that in so great and populous a realme and large a gouernment, as this of her
maiestie

The Ro.
man par.
tye great
& vvhy.

1. Reg. 22.

maiestie hath byn, there cannot want to be many of these kinde of discōtented mē, as also for that naturally many are desirous of changes, it cannot be supposed, but that the number of this sorte is great, which maketh this party, far the bigger.

Effects of
pressing
in religio.

Moreouer it is noted, that the much dealing with these men, or rather against them, & this especially in matters of their religion, for these later yeares past, hath much stirred them vp, (as also the like is to be noted in the puritan) and made them far more egar in defence of their cause, according to the saying, *nitimur in vetitum semper*, and as a litle brook or ryuer though it be but shalow and runne neuer so quiet of it selfe, yet if many barres and stoppes be made therein, it swelleth and riseth to a greater force, euen so it seemeth that it hath happened heere, wher also the sight & remembrance of so many of their Seminary preistes, put to death for their religion (as they accompt it) hath wrought great impression in their hartes, as also the notice they haue receaued, of so many colleges and English Seminaries remaying yet, and set vp of new, both in Flanders, France, Italie and Spayne, for making of other preistes in place of the executed, doth greatly animate them & holdeth them in hope of continuing still their cause, and this at home.

Friends &
allies
abroade.

As for abroad, it is easie to consider vwhat their party and confidence is, or may be, not only by the English that liue in exile, and haue
their

their friends and kynred at home, but also principally by the affection of forrayne Princes & states, to fauour their religion, whose portes, townes, and prouinces lye neere vppon England rounde about, & for such a tyme and purpose, could not want commoditie to giue succor, vvhich being vveighed together vvith the knowne inclination, that way, of Ireland, and the late declaration made by so many of the Scotish nobility and gentlemen also, to fauour that cause, all these poyntes I saye put together, must needes persuaade vs, that this body is also great, and stronge, and like to beare no smale sway in the decyding of this controuersie for the crowne, when tyme shal offer it selfe for the same. And so much the more, for that it is not yet knowne, that these are determined vppon any one person whom they vvill follow, in that action, nor as it semeth are they much inclined to any one of the pretenders in particular (wherin it is thought that the other two partyes either are, or may be deuided among themselues, and each parte also within it selfe, for that so different persons of those religions do stand for it) but rather it is thought, that these other of the Roman religion do remayne very indifferent, to follow any one that shalbe set vp for their religion, and is lykest to restore and mayntayne the same, be he strainger or domestical, which determination and vnion in general among themselues, if they hold it still

and perseuer therein, must needes be a great strengthe vnto their cause, & giue them great svay vvhersoever they shal bend at that daye, as by reason is euident, and so much of this matter.

Considerations of each pretender in particuler

It remayneth then that after these considerations of the three bodyes in general, vve passe to the veiw of each familie house and person pretendent in particuler, and therein to contemplate vvhath may be for him, and vvhath agaynst him, in this pretence and pursute of the crowne.

The King of Scotland

And to begynne first of al vvith the king of Scotland, as vvith him, vvho in vulgar opinion of many men, is thought to be first & formost in this action by waye of succession (albeit others do denye the same, and do make it very dowtful as before hath bin declared) yet if we do consyder not his title (for of that vve haue spoken sufficiently before in the 5. chapter) but other circumstances only of his person, state, condition and the lyke, (of which poyntes only we are to treat in this place) then must we confesse that as on the one side their are diuers poyntes that maye furder him and inuite men to fauour his cause, so want their not other to hynder the same. The poyntes that maye inuite, are his youth, his beinge a kynge, his moderate nature in that he hath shed little blood hetherto, his affection in religion to such as like therof, and the like, but
on the

on the other side, the reasons of state before laid against him, do seeme to be of very great force, and to weigh much with Englishmen, especially those of his allyance with the Danes, and dependance of the Scottish nation. And as for his religion, it must needs displease two parties of the three before mentioned, and his manner of gouernment therin perhapps al three.

As for Arbella, in that she is a yong Lady, Arbella. she is therby fit (as you know) to procure good vvills & affections, and in that she is vnmarried she may perhapps by her marriage, ioyne some other title with her owne, and therby also frends. But of her selfe, she is nothing at al allyed with the nobility of England, and except it be the earle of Shrewsbury, in respect of Frendship to his old mother in Law, that is grand mother to the Lady, I see not vvhat noble man in England hath any bande of kynred, or alliance to follow her. And as for her title, it seemeth as doubtful as the rest, if not more, as by that which hath bin said before, hath appeared. And for her religion, I know it not, but probably it can be no great moriue, either against her or for her, for that by al likely hooede it may be supposed to be as iëder greene and flexible yet, as is her age and sex, and to be wrought heerafter and settled according to future euents and tymes.

In the house of Suffolke, the Lord Beacham

The Lord
des Bea-
cham &
the earle
of Darby.

and the earle of Darby haue the difference of titles that before hath bin seene, and each one his particuler reasons why he ought to be preferred before the other, and for their other abilities and possibilities, they are also different, but yet in one thing both Lords seeme to be like, that being both of the blood royal, they are thought to haue abased themselues much by their marriages with the two knightes daughters S. Richard Rogers, and S. Iohn Spenser, though otherwise both of them very vvorshipful, but not their matches in respect of their kintred with the crowne, yet doth the alliance of S. Iohn Spenser seeme to bringe many more friends with it, then that of S. Richard Rogers, by reason of the other daughters of S. Iohn, vvell married also, to persons of importance, as namely the one to S. Georg Carey gouernour of the Ile of Wight, vvho bringeth in also the Lord Hunsdon his father Captaine of Barwick, vvvo of the most important peeces that Ingland hath.

Alliance
of the
earle of
Darby.

And for that the said Lord Hunsdon, and the Lady knowles disceased, were brother and sister, and both of them children to the Lady Mary Bullen, elder sister to Queene Anne, here of it cometh, that this alliance with S. George Carey, may draw after it also the said house of knowles, vvho are many and of much importance, as also it may do the husbandes of the other daughters of S. Iohn Spencer, with their
adhe-

adherents and followers, which are nether few nor feeble, al which wanteth in the marriage of the Lord Beacham.

An other difference also in the ability of these two Lords is, that the house of Seymers in state and title of nobility, is much yonger then the house of Stanleys, for that Edward Seymer late earle of Hartford, and after duke of Somerset, was the first beginner therof, who being cut of together with his brother the Admiral, so soone as they were, could not so settle the saide house, especially in the alliance with the residue of the nobilitie, as otherwise they would and might haue done. But now as it remayneth, I do not remember any allyance of that house, of any great moment, except it be the childre of S. Hery Seimer of Hamshire, and of S. Edward Seymer of Bery Pomery in Deuonshire, if he haue any, and of S. Iohn Smith of Essex, whose mother vvas sister to the late duke of Somerset, or finally the alliance that the late marriage of the earle of Hartford, with the Lady Francis Haward, may bring with it, which cannot be much, for so great a purpose as we talke of.

But the earle of Darby on the other side, is very strögly & honorably allied, both by father and mother, for by his father not to speake of the Stanleys, (which are many and of good power, and one of them matched in the house of Northumberland) his said father the old

alliance
of the
Seymers.

alliance
of the
Stanleys

earle had three sisters , al wel married , and al haue left children , and heyres of the houses wherin they were married , for the elder vvas married first to the Lord Sturton , and after to S. Iohn Arundel , and of both houses hath left heyres male. The seconde sister vvas married to the Lord Morley , by whom she hath left the Lord that now is , vvho in lyke manner hath mached vvith the heyre of the Lord Montegle vvho is likevvise a Stanley. And finally the third sister vvas married to S. Nicholas Poynes of Gloucestershire , and by him had a sonne and heyre that yet liueth. And this by his fathers side, but no lesse alliance hath this earle also by the side of his mother , vvho being daughter of George Clifford earle of Cumberland, by Lady Eleanor neece of king Henry the seventh, the said Lord George , had aftervvard by a second wife, that was daughter of the Lord Dacres of the North , both the earle of Cumberland that now is , and the Lady wharton, vvho hereby are brother and sister of the halfe blood, to the said Countesse of Darby , and the Dacres are their Vncles.

Allice of
the old
countesse
of Darby.

Besides al this, the states and possessions of the two forsaide Lordes , are far different , for the purpose pretended, for that the state of the earle of Hartford is far inferior , both for greatness, situation, wealth multitude of subiects , & the like : for of that of the Stanleys , doth depend the most part of the shires of Lancaster and

The sta-
tes of the
Lord Lea-
chman and
the earle
of Darby.

and Chester, and a good parte of the North of Wales, (at least wise by way of obseruance and affection) as also the Ile of man, is their owne, and Ireland and Scotland is not far of, vvhether frendship perhapps in such a case might be offered, and finally in this poynte of abillity great oddes is their seene betweene these Lordes.

As for their religion, I cannot determyne what difference their is, or may be betweene them. The Lord Beacham by education is presumed to be a protestant, albeit some hold that his father, and father in law be more inclined towards the Puritans. The earle of Darbyes religion, is held to be more doubtful, so as some do thinke him to be of al three religions, and others of none, and these agayne are deuided in iudgments, about the euent heerof, for that some do imagin that this opinion of him, may do him goode, for that al sides heerby may (perhapps) conceaue hope of him, but others do perswade themselues that it vvill do him hurt, for that no side in deede will esteeme or trust him, so as al these matters with their euents, and consequences do remayne vncertaine.

Religion
of these
Lords.

But now will I passe to speake of the house of Clarence, the cheefe persons, wherof, and most emynent at this day, are the earle of Huntington, and his bretheren the Hastings, for that the Pooles and Barringtons are of far meaner condition and authoritie, albeit the

The earle
of Hun-
tington.

other also, I meane the house of Hastings, doth not seme to be of any great allyance, for that albeit the old earle of Huntington, this earles father, had two brethren, the one S. Thomas Hastings, that married one of the Lord Henry Pooles daughters named Lord montague, that was put to death, which daughter was sister to this earles mother, and the other named S. Edward Hastings vvas made Lord of Lowghborow, by Queene Mary, to whom he was first master of the horse, and afterward Lord Chamberland, neither of them hauing left issue: and this is al I remember by his fathers side, except it be his owne brethren as hath bin said of which S. George Hastings is the cheefest.

Alliance of
the earle
of Hun-
tington.

By his mothers side, he hath only the Pooles, whose power as it is not great, so what it is, is rather lyke to be agaynst him then with him, partly for their difference from him in religion, and partly for preferment of their owne title, vppon the reasons before alleaged.

By his owne marriage with the daughter of the late duke of Northumberland, and sister to the late earles of Lecester and Warwicke, he was lyke to haue drawne a very great & strong alliance if the said two earles had liued, and especially, S. Phillip Sidney, who was borne of the other sister of the present Countesse of Huntington, and his owne sister was married to the earle of Penbroke that now is, & himselfe to the daughter of S. Francis Walsingham
cheefe

cheefe secretary of the state, by al which meanes and by al the affection and power of the party puritan, and much of the protestant, this earle was thought to be in very great forwardnes. But now these great pillars being fayled, and no issue yet remayning by the said Countesse, his wife, no man can assure himselfe what the successe wil be, especially seing that of the three bodyes of different religions, before described, it is thought that this earle hath incurred deeply the hatred of the one, and perhapps some ielousy and suspicion of the other, but yet others do say (and no doubt but that it is a matter of singular importance if it be so) that he is lyke to haue the whole power of London for him, which citty did preuaile so much in aduancing the title of Yorke, in king Edward the fourth his tyme, as it made him king twise, to wit once at the beginning, when he first apprehended and put downe king Henry the sixt, and the second tyme, vwhen he being driven out of the kingdome by his brother the duke of Clarence, and Richard earle of Warwick, he returned from Flanders vppon hope of the fauour of the Londoners, and was indeede receaued, fauoured and set vp agayne by them especially, and by the helps of kent and other places adioyning and depending of London, and so it may be that the fauourers of this earle do hope the like successe to him in tyme by this potent cittie.

The power of London

Polydor.
24. Hol-
lingshed
in vita
Henrici.
6.

The hou-
ses of Bri-
taine and
Portugal.

For the houses of Britanny and Portugal, I shal ioyn them both together, for that they are straingers, and the persons therof so nigh linked in kynred affinitie & frendship, as both their tittles forces and fauours, may easely be ioyned together, and imparted the one with the other, as to themselues shal best appeare conuenient.

Infanta
of Spayne

The lady Infanta of Spayne pretendent of the house of Britanie, is eldest daughter of king Phillip as al the world knoweth, and dearly beloued of him, and that worthely as al men report, that come from thence, for that she is a princeesse of rare partes both for bewty, wisdom and pietie. The two yong Princes of Parma I meane both the duke and his brother the Cardinal, are ympes in like manner of great expectation, and diuers wayes neere of kynn to the said king, for that by their fathers side they are his nephewes that is the children of his sister, and by their mothers side almoost as neere, for that they are the nephewes of his vncl Prince Edward Infant of Portugal.

Duke of
Parma.

The duke
of Bra-
gança.

In lyke neernes of blood are the Duchesse of Bragança and her children, vnto the said king, which children are many as hath bin shewed, and al of that rare vertue and valor and of that singuler affection vnto the English nation, as it is wonderful to heare what men write from those partes, and what others do reporte that haue traauayled Portugal and seene those Princes

Princes and tasted of their magnificente liberality, so as I haue hard diuers reioyse that are affected that way, to vnderstand that their do remayne such noble offspring yet in forrayne countryes of the true and ancient blood royal of England.

What the powers and possibilities of al these Princes of the house of Portugal be, or may be heerafter for pursuyng their right, I shal not neede to be declared in this place, for that al the world doth know and see the same, yet al seemeth to depend of the heade & roote which is the king of Spayne himselfe, and the yonge Prince his sonne, whose states and forces how and where they lye, what allyance, frendes, subiects or followers they haue or may haue, it is easy to consider, but what part or affection of men they haue or may haue heerafter in England it selfe, when tyme I shal come, for the determyning of this matter, no man can tell at this present, and what plotts agreements, compositions, or other conclusions may be made at that day, tyme only must teach vs, so as now I know not well what to say further in this affaire, but only commend it to Gods highe prouidence, and therefore I pray you (quoth the Lawyer) let me ende with this only that alredy I haue saide, and pardon me of my former promise to put my opinion or ghesse, about future matters, and what may be the successe of these affaires, for besides that I am, no prophet or sonne

Powver of
forrayne
pretēders.

or sonne of prophet, to know things to come, I do see that the very circumstances of coniecture (which are the only foundation of al prophesie which in this case can be made) are so many and variable; as it is hard to take hold of any of them.

Thus he said, and fayne would haue left of heere, but that the whole company opposed themselues, with great vehemencie, against it, and sayde, that he must needes performe his promise, made at the beginning of this speech, to giue his censure & verdite in the end, what he thought would be the successe of al these matters, wherunto he answered, that seing no nay would serue, he would breisly quit himselfe by these few woordes following.

The 1.
Cōiecture
that their
wilbe
vvarre
& vvhye.

First of al (said he) my opinion is, that this affayre cannot possibly be ended by any possibility moral, without some warr, at least vwise, for some tyme at the beginning, wherof my reasons be these that do ensue.

1. This matter cannot be disputed and determined duringe the life of the Queene, that now is, without eident danger of her person, for the reasons that al mē do know importinge suche perils as are wont to follow like cases, of declaring heyres apparent, especially her maiestie the present possessor growing now to be old & without hope of issue.

2. This declaration and determination of the heyre apparent to the crowne if it should be made

made now, would moue infinit humors, and affections within the realme, and it were to sturr coles and to cast fyerbrands ouer all the kingdome, and further perhapps also, vvhich now lye raked vp and hidden in the embers.

This determination thoughte it should be made now by parlament, or authority of the present Prince, would not ende or take away the roote of the controuerſie, for albeit some that should be passed ouer or put backe in their pretences, would hold their peace perhapps for the tyme present, yet afterward would they bothe speake and spurne when occasion is offered.

This declaration now if it were made, would be hurtful and dangerous for him that should be declared, for on the one side, it would put the Prince regnant in great ielousie and suspicion of him, and on the other side, would ioine and arme al the other pretenders and their fauourers agaynst him, and so we reade, that of two or three only, that in al our histories are recounted to haue byn declared heys apparent to the crowne (they being no kinges children) none of them, euer came to reigne: as namely duke Arthur of Britany, Roger Mortimer earle of March, and Iohn de la Poole earle of Lincolne, and Henry marques of Exeter as before hath bin declared.

Agayne the multitude of pretenders being such as it is, & their pretentions so ambiguous,

3.

4.

Sup. c. 4.

5.

as hath

as hath bin declared, it is to be presupposed, that none or few of them vvill presently at the beginning cast away their hope & forgoe their tittles, but wil prooue at least wise what friends will stand vnto them, and how matters are like to go for or agaynst them, especially seing they may do it without danger, no law being against them, and their rightes and pretenses so manifest, that no man can say they do it of ambition only, or malice, treason, or conspiracy against others, and for this assaye or first attempt, armes are necessary.

6.

A consideration
to be
marked.

More-ouer if any man in procelle of tyme, would forgoe or giue ouer his title (as it is to be imagined that diuers wil at length, and many must, for that one only can speed) yet to the ende he be not suddenly oppressed, or laid handes on at the beginning by his aduersary parte, or made away as in such cases is wont to succcede, it is very likely that each pretender for his owne safety and defence, wil arme himselfe and his frendes at the beginning, for that better conditions wilbe made with armor in handes, then when a man is naked or in the power of his aduersary, and no doubt, but the more pretenders shal stand together armed, at the beginning the easyer and the surer peace wilbe made with him that shall preuaile, for that they being many with whom he hath to compounde, he will respect them the more, & yeald to more reasonable and honorable conditions,

ditions, then if their were but one, & he weake that should resist, for that a fault or displeasure is more easily pardoned to a multitude, & to a potent aduersary, then to one or two alone that are of lesse accompt. And on the other side, the perill of these other-pretenders, that should not preuaile, being common to them al, would knyt them better together for their owne defence, in liuing vnder the person that should preuaile and reigne, and he would beare more regard vnto them as hath bin said: and this both for that they should be stronger by this vnion to defend themselues, and he that reigneth should haue lesse cause to suspect & feare them, to worke treason agaynst him, for that they are many, and consequently not so easy to agree betweene theselues, who should be preferred, if the other were pulled downe, which to the person regnant, would be also a ground of much securitye.

These are my reasons and coniectures why it is like that armes wilbe taken at the beginning in England, before this controuerisie can be decided.

My second proposition and coniecture is, that this matter is not like to come easely to any great or mayne battel, but rather to be ended at length, by some composition, and general agreement, & my reasons for this be these.

First, for that the pretenders be many, and their powers and friends lying in diuers and different

The second
coniecture
no mayn
battayle
probable.

different partes of the realme, and if their were but two, then were it more probable, that they would soone come to a battel, but being many each one vvil feare the other, and seke to fortifie himselfe where his owne strength lyeth and especially towards the portes and sea side, for receauing of succours, as easely may be done, by reason of the multitude of competitors as hath bin said, which vvil cause that at home the one will not much vrge or presse the other, at the beginning, but euery part attend rather to strengthen it selfe for the tyme.

2.

A second reason of this is, for that the forrayne Princes and states rounde about vs, are like to be much deuided in this matter, some as pretendents for themselves or their kynred & frends, and others as fauourers of this or that party, for religion, so as their will not vvant presently offers of helpes and succours from abroad, which succours albeit they should be but meane or smalle at the beginning, yet vvill they be of much importance, vvhen the forces at home be deuided, and vvhen their shalbe different portes harbors, and holdes, ready within the lande, to receaue and harbour them, so as I take it to be most likely, that this affayre vvil grow some vvhat longe and so be ended at lenght by some composition only, and that either by parlament and general consent of al partes pretendentes, and of al three bodyes of religion meeting together by their deputes
and

and treat and conclude some forme of agreement as vve see it practised now in France, or els by some other meanes of committaries, commissioners, legates, deputies, or the like, to make the conclusion vvith euery partye a sunder.

My third & last coniecture is (& for a meere coniecture only, I vvould haue you to hold it) that seeing there be two sortes of pretend-
 The third coniecture vvho is lykest to preuaile.
 ers, which stande for this preferment, the one strangers, the other English, my opinion is, that of any one forrayne Prince that pretendeth, the Infanta of Spayne is likest to beare it away, or some other by her title, layed vppon hym by her father the kinges good will, and on the other side, of any domestical competitors, the second sonne of the earle of Hartford, or of the issue of the countesse of Darby, carrieth much shew to be preferred.

My reasons for the former part, about the Lady Infanta, are, that she is a woman, and may easely ioyne (if her father vvill) the titles of Britany and Portugal together, she is also vnmarried, and by her marriage may make some other composition, either at home or abroad, that may facillitate the matter, she is a great Princesse and fit for some great state, and other Princes perhaps of Christendome vvould more vvillingly yeald and concur to such a composition, of matters by this Lady, and by casting all forraine titles of Britanie and Portugal vppon her, then that the king of
 Kk Spayne

Spayne should pretend for himself, & there by encrease his monarchie, which other Princes his neyghbours^e, in reason of state, vould not so well allow or beare.

In England also it selfe if any partye or person be affected that way, he vould thinke heerby to haue the more reason, and if any be against straingers, some such moderation as this would take away much of this auersion, as also of arguments agaynst it: for that heerby it semeth that no subiectiō could be feared to any forrayne realme, but rather diuers vilities to the realme of Inglande, as these mēpretēde by the reasons before alleaged in the precedēt chapter.

I said also, that this Lady Infanta, or some other by her title and her fathers good vvil, was likest of all straingers to beare it away, for that if she should either dye or be married in any other countrie, or otherwise to be disposed of, as her pretēce to England should be disinabled before this affayre came to be tried, then may her said father and she if they list, cast their fore saide interests and titles (as diuers men thinke they would) vpon some other Prince of their owne house and blood, as for example, either vpon some of the families of Parma or Braganza before mentioned, or of the house of Austria, seing theit wanteth not many able & vvorthy Princes of that house, for whom there vould be the same reasons and considerations, to persuaade their admission by the English, that haue bin alleaged before for the Infanta, & the
same

same vtillities to the realme, and motiues to Englishmen, if such a matter should come in consultation, and the same frends and forces would not want abroad to assist them.

For the second parte of my coniecture, touching the earle of Hartfords second sonne, or one of the countesse of Darbyes children, my reasons be, first for that this second sone, seemeth to be cleered in our former discourse of that bastardy that most importeth, and neereſt of all other lyeth vpon those children, which is for lack of due prooffe of their parēts marriage, for which defect they do stand declared for illegitimate by publique sentence of the archbishop of Canterbury, as before hath bin declared, from which sentēce this second sonne is made free, by the arguments before alleaged, and therein preferred before his elder brother.

And secondly for that this yonger sonne is vnmarried, for any thing that I do know to the contrary, which may be a pointe of no smalle moment in such an occasion, as hath bin noted diuers tymes before, for ioyning or forteſying of tittles by marriage, and for making of compositions of peace and vnion with the opposite parties. And finally for that this second sonne, being yonge, his religion is not yet much talked of, and consequently euery partie may haue hope to draw him to their side, especially he being also free as I haue said to follow what he shal thinke best, or most expediēt for his owne aduancement, without knott or

For the
earle of
Hartfords
second
sonne.
I.

Sup.c.6.

2.

3.

obligation to follow other mens affections or iudgments in that pointe, as he would be presumed to be if he were married, or much obliged to any other familie.

For the
children
of the
Countesse
of Darbie

1.

I do name also in this second pointe, the children of the countesse of Darby first, for that in truth the probabilities of this house be very great, both in respect of their discent, which in effect is holden as it were cleere from bastardy as before hath bin shewed, and then againe for their neernes in degree, which by the countesse yet living is neerer to king Henry the seuenth by one degree, then any other cōpetitor whatsoever. Secondly I do name this countesse children & not her selfe, for that I see most mē that fauour this house, very willing & desirous that some of the said countesse children should rather be preferred then she herselfe, and this for that she is a vvoman, & it seemeth to the much to haue three womē reigne one after the other, as before hath bin noted, so as they would haue her title to be cast rather vppon one of her children, even as vppon like occasion it hath bin shewed before, that the Spaniards caused the Lady Berenguela neece to king Henry the second, to resigne her title to her sonne, vvhen she should haue succeeded by neernes of inheritance, & as a litle before that, the state of England did after king Stephen, vnto king Henry the first his daughter Maude the Empresse, who they caused to passe ouer her title to her sonne Hēry the secōd, though her owne right should haue

Garibay
l. 45. c. 36.

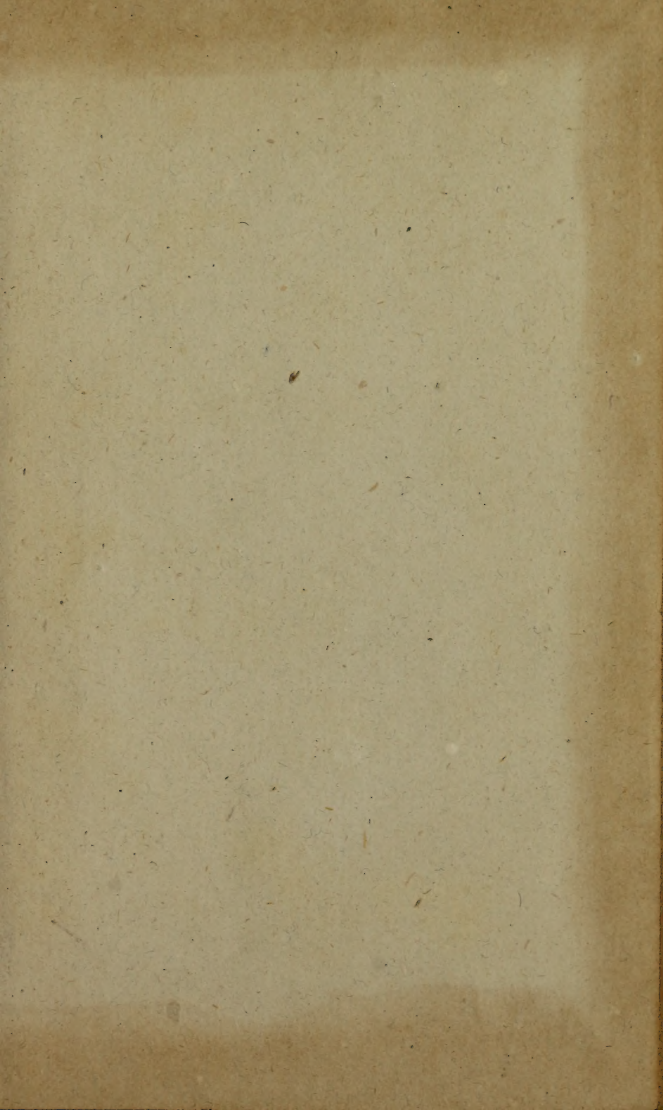
Polydor
in rit
Steph.

haue gone before him by neernes of succession, as also I should haue done by orderly course of succession, the right of Margaret, countesse of Richmond, before her soene king Henry the senenth, as before hath bin proued, but yett we see that her sonne was preferred, & the like wvould these men haue to be obserued in the countesse of Darby.

Lattly I do name, the children of this countesse in general, and not the earle of Darby particularly aboue the other, though he be the eldest, for two respects, first, for that his yonger brother is vnmarried, which is a circumstance wherof diuers tymes occasion hath bin offred to speake before, and therefore I neede to ad no further therin, & secondly for that diuers men remaine not so fully satisfied & contented with the course of that Lord hitherto, and do thinke that they should do much better with his brother if so be he shal be thought more fitt, yett are thease things vncertaine, as we see, but not withstanding such is the nature and fashon of man, to hope euer great matters of youthes, especially Princes, God send al iust desires to take place, and with this I wil ende, and passe,

no further, hoping that I haue performed
the effect of my promise made
vnto you at the be-
ginninge.

F I N I S.



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